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Government  
Publications

No. 46

# Hansard

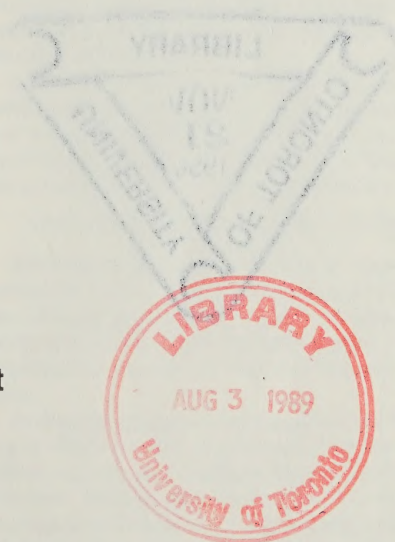
## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Monday 24 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

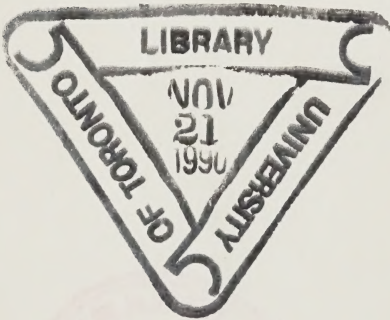
Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 24 July 1989

The House met at 1331.

Prayers.

## MEMBERS' STATEMENTS

### COMMERCIAL CONCENTRATION LEVY

**Mr Philip:** Some of the finest hotels in Metropolitan Toronto are located in the riding I represent. These hotels provide a great number of jobs to my constituents. The Treasurer (Mr R. F. Nixon) has initiated a form of economic apartheid on the residences and businesses of the greater Metro Toronto area by charging us higher taxes than those in the rest of the province.

His scheme will be particularly damaging to the hotel industry. The commercial concentration levy creates a real problem for the larger hotels in Etobicoke, which are competing for convention business with those in other cities. A majority of these hotels are over 200,000 square feet in size and will be directly impacted by this levy. The hotel managers claim that this will mean an increase of \$4 to \$6 per room per night. There was a drop of 10 per cent hotel bookings for July and August before this levy was added. This new tax can only add to the problem.

The Treasurer's \$10-million tax grab from hotels in the greater Toronto area means that capital investment decisions involving hundreds of millions of dollars of renovation and expansion will be delayed. It will also mean a serious loss of tourism revenue and layoffs across the industry, all of which add up to a loss of provincial revenue.

The Treasurer is penny wise and dollar foolish. The Premier (Mr Peterson) and the Treasurer should go back to the drawing board. Their plan is seriously flawed and should be reconsidered.

### LANDFILL SITES

**Mr Cousens:** Members of this House will appreciate that obtaining a clear and precise answer from the Minister of the Environment (Mr Bradley) is a rare feat. Lately, this has been especially true in areas dealing with the greater Toronto area waste management strategy. I have a copy of a recent letter from the Environment

minister to Chairman Bean of Peel region. Part of his letter reads:

"As a contingency, each participating upper-tier municipality must identify a suitably sized and environmentally sound landfill site by late this year. If any of these sites should be required, the province has agreed that the approval process to be followed will be under the Environmental Protection Act."

Last week, when I asked the minister if every contingency site in the GTA plan would be subject to the Environmental Assessment Act, he replied, "The contingency sites, which are short-term solutions, if they are required, are subject to a site-specific hearing under the Environmental Assessment Board, and the same rules will apply to each of the municipalities that nominates that site." I guess he could not bring himself to say, "No, they will be covered only under the Environmental Protection Act." The minister's answers to questions in this House are taking on an odour that almost parallels the refuse this plan will deal with.

I have grave concerns that not all avenues of environmental assessment have been pursued or will be pursued. Residents of the GTA deserve at least that and they deserve to be told up front by this government if this is not going to be the case.

### YORK REGION TRANSPORTATION

**Mr Beer:** Recently, the Minister of Transportation (Mr Fulton) was in Newmarket to outline the Ontario government's plans to spend an additional \$255 million on transportation in the regional municipality of York over the next five years.

Among the projects receiving additional funding is Highway 407, a new east-west freeway which will act as a northern bypass for Metro Toronto. Starting dates have now been set for two additional sections of the highway. Meanwhile, the flow of east-west traffic through York region will be improved by the expansion of Highway 7 from four to six lanes between Jane Street and Dufferin Street. Three north-south routes serving York region, Highway 48, Highway 50 and Highway 404 will also be widened. That brings the total for additional provincial



highways funding to more than \$150 million in York region.

GO Transit will get another \$95 million to improve service frequency and efficiency on the Richmond Hill and Stouffville rail lines. Municipal transit authorities in York region will benefit from another \$1.2 million for the purchase of new and replacement buses. The gateway concept, bringing together municipal and inter-regional transit services and commuter parking facilities, will also be expanded thanks to \$2.6 million in additional funds.

Municipal road projects will receive an extra \$4.6 million for two major initiatives, the addition of an interchange on Highway 400 at Langstaff in the town of Vaughan and widening of the Highway 48 connecting link between Highway 7 and Rouge Street in Markham. Funding will also be made available for construction of the Markham bypass, a new four-lane link between 16th Avenue and Highway 7.

Combined with the base funding already allocated to municipal and provincial initiatives in York region, the extra \$255 million will provide the region with a transportation system capable of meeting the demands posed by—

**The Speaker:** Thank you. Order.

#### CHRONIC CARE

**Mr D. S. Cooke:** Today, I will be tabling a petition signed by 13,000 people in the city of Windsor and Essex county demanding that the Liberal government keep the promise to replace our chronic care hospital, which is now 85 years old and desperately needs to be replaced.

When I was first elected in 1977, the battle we were fighting was with the Conservative government to keep that hospital in existence, because they were trying to close the hospital. It was the Liberal Party that in 1985, through the member for Windsor-Sandwich (Mr Wrye), promised that if they formed a government, they would turn the sod for the new chronic care hospital before the end of the calendar year. It is now 1989 and we still do not have our new chronic care hospital. The sod has not been turned.

In 1987, the Liberal government said, "Re-elect Bill Wrye and elect Mike Ray," because they were keeping their promise and we were going to get our new chronic care hospital. Today, the entire chronic care project in Windsor is on hold.

The community has raised \$11 million. They believed the member for Bruce (Mr Elston) when he was the Minister of Health and came down to Windsor and said that we were going to get the

chronic care hospital. The only determining factor would be if we raised our portion of the money. The \$11 million has been raised.

Many chronically ill people are living in a chronic care hospital that is inadequate, aged and needs to be replaced. On behalf of the people in our community, the 13,000 and more who have signed that petition, I demand that the government go ahead with its promise.

#### ASSISTANCE TO FARMERS

**Mr Villeneuve:** I rise again today to point out that the Ontario government is continuing to refuse to help Ontario's horticulture industry and crop growers.

This weekend the Minister of Agriculture and Food (Mr Riddell) told flood-hit farmers to rely on an inadequate crop insurance plan, contrary to the message conveyed by the Minister of Natural Resources (Mr Kerrio). The crop and horticultural sectors are still waiting for Ontario to provide assistance for damages suffered in last year's drought. No one is representing or protecting Ontario fruit and vegetable growers' interests in this case at all. Ontario participated in a federal-provincial plan to help livestock producers, but the Minister of Agriculture and Food refuses to provide identical help for fruit and vegetable crop producers. The minister's only public excuse was that the federal government made unilateral announcements of assistance before an agreement was signed with the provinces.

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That excuse is not good enough. It is not even an excuse at all. This government is the last group that should complain about unilateral announcements. The Minister of Agriculture and Food should look at his own announcements about farm property tax rebates, not to mention other government announcements involving municipalities, school boards and many others. It is time for the Premier (Mr Peterson) and the Treasurer (Mr R. F. Nixon) to intervene, stop the agricultural minister's personal war with Ottawa, provide help to the farmers who need it and stop discriminating against fruit and vegetable growers.

#### ABORTION

**Mr McGuinty:** It was on 5 July that the honourable leader of the opposition, the member for York South (Mr B. Rae), and the member for Scarborough West (Mr R. F. Johnston) commented on the ruling by Mr Justice O'Driscoll granting an injunction with respect to an abor-

tion, based on the common law principle that the foetus enjoys rights and protections under the Canadian Charter of Rights and Freedoms.

Both speakers took advantage of a sad situation to put forth their socialist party line, which favours abortion on demand, a line which they have been unable to impose upon their party members. They referred to the injunction as a "reversion to notions of women as chattels," "damaging to women's rights," and judiciously selected a statement by Supreme Court Justice Wilson regarding abortion as a decision "that pertains to the woman" alone.

They chose to ignore another aspect of the issue to which the Supreme Court justices alluded in their January 1988 decision; that is, the need to achieve the socially imperative balance between the rights and interests of women and the equally important rights and interests of unborn children.

There is the view also that when Madam Justice Wilson referred to the unborn baby as "potential life," she put forth a statement of nonsense in the light of scientific evidence. The unborn baby is actual life—actual human life.

When the member for Scarborough West stated that the baby is a ward of the state, he corrected himself to replace the word "baby" with "foetus." The baby the woman is carrying is a baby; and everybody knows it.

#### SENIOR CITIZENS' SERVICES

**Mr Philip:** Last week I provided examples of how priorities of bureaucracy are winning over the needs of seniors. On 19 July, I pointed out to the government the need to re-examine plans to close the psychiatric institute wing at Victoria Hospital, home to a number of First World War and Second World War veterans. On 20 July, I pointed out to the Minister of Community and Social Services (Mr Sweeney) that both his staff and that of the Canadian National Institute for the Blind claim it difficult to provide care for 65 blind residents at Clarkewood Residence and thus they must be displaced. The minister failed to answer what he intends to do to ensure that these blind seniors receive adequate care. The fact is that 47 of the 65 residents at Clarkewood require extended care but the government is only funding 26 of these.

Research shows that health deteriorates—

**The Speaker:** I am sorry, the member's time has expired.

**Mr Philip:** It is about time the government was sensitive to the seniors.

**The Speaker:** Order. That completes the allotted time for members' statements.

#### STATEMENTS BY THE MINISTRY

##### DEVELOPMENT OF GOVERNMENT LAND

##### DÉVELOPPEMENT DE TERRAINS GOUVERNEMENTAUX

**Hon Ms Hošek:** As members of this House know, the Minister of Government Services (Mr Patten) and I have announced a series of sites where provincially owned land would be made available under the government's Housing First policy. Our goal is to create more housing for low- and moderate-income earners.

I am pleased to rise today to inform all members that the province will apply for local planning approval for housing and commercial development on two sites in Metropolitan Toronto.

The sites are 9.3 acres of land at Ellesmere and McCowan in Scarborough and 10 acres of land at the junction of Burnhamthorpe Road and Highway 427 in Etobicoke. Both sites were previously identified and released for detailed study of their suitability for housing in April 1988.

The proposed development concept for the Scarborough site features at least 540 homes, where at least 50 per cent will be for low- and moderate-income earners through a mix of nonprofit programs and affordable home ownership. This concept also calls for the development of up to 785,000 square feet of office space. The concept plans for this site were prepared by Walker Wright Young Associates Ltd.

The plans for the site in Etobicoke include the development of 630 homes, 65 per cent of which would be available through nonprofit programs and affordable home ownership for low- and moderate-income earners. About 280,000 square feet of office space is also proposed for this site.

Our recently released policy statement on land use planning for housing calls for municipalities to provide a mix of housing for low- and moderate-income people. The plans we are unveiling today demonstrate the province is taking a leadership role in working toward these goals.

Le chantier d'Étobicoke contient une proportion de 65 pour cent de logements abordables, et environ 50 pour cent des logements proposés sur le chantier de Scarborough seront offerts aux petits et moyens salariés.

Les terrains ont été rendus disponibles grâce à la politique provinciale, Priorité au logement, qui vise à allouer les terrains excédentaires et



sous-utilisés de la province à des initiatives de logements.

Tout comme nous nous attendons à ce que chaque municipalité fournisse plus de possibilités de logements dans ses communautés, je crois que ces développements offriront un plus grand choix de logements à Étobicoke et à Scarborough.

The Etobicoke site has a 65 per cent affordable component and approximately 50 per cent of the homes proposed at the Scarborough location will be affordable for low- and moderate-income earners. The lands are being made available through the province's Housing First policy, which targets underutilized and surplus provincial lands for housing initiatives. Just as we expect every municipality to ensure more housing opportunities are available in their communities, I believe these developments will provide more housing options in Scarborough and Etobicoke.

Our government is committed to providing resources to make housing more accessible. With these proposals we are helping to create new balanced communities which will enhance the existing neighbourhoods and offer further housing choices to the citizens of the province.

#### FLOODING

**Hon Mr Kerrio:** I would like to update the House on the flood situation in the Essex county area. As members know, on 20 July most of Essex county was hit by the worst rainstorm in the recorded history of the area. Rainfall totalling 20 centimetres or about eight inches, to 40 centimetres or 16 inches were recorded in the county.

On Friday, my colleague the Minister of Agriculture and Food (Mr Riddell) and I toured the area. Also on hand were the members for Essex South (Mr Mancini) and Essex-Kent (Mr McGuigan). Today my colleague the Minister of Municipal Affairs (Mr Eakins), who is responsible for the Ontario disaster relief assistance program, is touring the area to determine the extent of the damage. He is meeting with local municipal officials to discuss the flood situation and to determine how it might be appropriately addressed.

The Minister of Municipal Affairs will be bringing a report and recommendation to cabinet this Wednesday. While a disaster relief program is not a substitute for adequate insurance, the minister has pointed out that the extent of damages and the ability of the community to

cover costs will be considered in making the decision on declaring the area a disaster.

Under the program, a disaster relief committee must be set up by the local municipalities to act autonomously to raise funds locally, to appraise losses and settle claims. The provincial contribution normally matches dollar-for-dollar the funds raised by the disaster relief committee. The Minister of Municipal Affairs also has a special assistance program to help municipalities offset unexpected expenses in situations such as the one currently experienced in Essex county.

The storm caused millions of dollars of damage to homes, businesses, farms, roads and bridges. Damage estimates indicate that approximately 1,300 homes were affected by surface flooding and 5,000 to 6,000 homes had basement flooding. More than 5,000 people had to leave their homes and at least six houses have been destroyed. By late Friday, many fields were still under water. It is too early to estimate the value of crop losses. Crop insurance officials expect there will be significant crop loss and substantial crop insurance claims as a result. Adjusters are in the field today.

Approximately 28,500 hectares are affected in the southwest corner of Essex county in the townships of Colchester North, Colchester South, Malden and Gosfield. Major crops in the area are soybeans, tomatoes, winter wheat, fruit trees and corn. Fortunately, most farmers in the county had the foresight to protect themselves against water-related crop damage. Essex county leads the province in crop insurance coverage, with more than 80 per cent of the crops covered.

Last week's storm came on so quickly that preventive and protective measures were impossible. However, staff at the Essex Region Conservation Authority acted quickly and efficiently to help move people to safety in an evacuation centre in the town of Harrow.

The current situation is that waters are receding in most areas. Most people have returned to their homes and are currently working on cleaning up. A few roads remain closed where they had been completely washed out. I would like to assure members that every effort is being made by this government to assist those affected by the flood.

Furthermore, I would like to commend residents, municipal officials, volunteers and emergency personnel in Essex county for their outstanding efforts in responding to the flood.

## RESPONSES

### FLOODING

**Mr D. S. Cooke:** I would like to respond briefly to the statement made by the Minister of Natural Resources (Mr Kerrio). On behalf of my party, I would like to express our concern and sympathy to all the thousands of people who have been so substantially affected by what can only be described as an absolutely incredible rain-storm of 10 to 12 inches of rain over a short period of time.

I believe, from what we have been told locally, that this is one of the largest rainstorms in the history not only of our area but of North America this side of the Rocky Mountains. It was simply an incredible situation: thousands of people had to leave their homes; roads were destroyed; houses were washed into the lake; bridges were washed out; a train was derailed, and thousands of acres of farm land have been destroyed.

I might indicate that I was somewhat disappointed and surprised at this government's initial response on Friday in its visit to Windsor. The Minister of Agriculture and Food (Mr Riddell) immediately reacted by saying that if the farmers do not have crop insurance there simply will not be any assistance for them at all.

This is a unique, unfortunate natural disaster that has to be responded to by this government, not just with visits, plane trips and helicopter rides over the disaster zone. We have to have action, and that means money. I hope that the government will respond very quickly by indicating that it is not going to be just a one-for-one dollar match in helping individual home owners, that there will be at least a two-for-one so that we can properly assist people and that municipalities will get proper compensation from the Ministry of Municipal Affairs so that the road and bridge damage can be repaired.

I also expect that there will be much more substantial reaction and assistance from the Minister of Agriculture and Food. Last year the farmers of our area suffered very substantially with drought. This year, in many areas, as much as two thirds of the crop has been washed out by this torrential rain. It is simply not adequate for the minister to come down and say that people should have crop insurance.

We have to protect the food supply of this province, and the way that the food supply is going to be protected is by keeping farmers in business. If they do not get the proper assistance, we will not have them back in business next year: they will not be able to survive.

On behalf of the people of our community, we appreciate the language and the meetings, but we would like to see the cheques and a real reaction from this government. The farmers, the municipal leaders and the home owners in our community are awaiting the reaction, and I hope that the members in the Liberal caucus from our area will advocate that way. I hope the Minister of Natural Resources, the Minister of Municipal Affairs (Mr Eakins) and the Minister of Agriculture and Food will show a little bit more sympathy and concrete action than they seemed to last Friday when they visited the area.

### DEVELOPMENT OF GOVERNMENT LAND

**Mr Harris:** I want to respond to the statement by the Minister of Housing (Ms Hošek). First of all, I want the minister to know that we will be watching these projects that she is talking about today to see whether architectural services are tendered and whether there will be tenders as to who are going to be the favoured builders of the government for these projects. We will watching to see if they are tenders for the supply of money, which is a large part of these projects.

**Hon Mr Scott:** Why? You never tendered anything before. When did you get interested in tenders?

**Mr Brandt:** That's nonsense.

**Hon Mr Scott:** When did you guys get interested in tenders? Give us a break.

**The Speaker:** Order.

**Mr Harris:** We will be watching very carefully because the minister said nothing about taking a full, open, tendered process on the tremendous benefits that accrue to the companies providing the architectural services, to the companies doing the actual construction and to the companies that will be providing the financing. We will be watching that carefully.

**Hon Mr Scott:** You wouldn't know a tender if you fell over it. You think a tender is a tug boat.

**Mr Harris:** Second, we are delighted to have the Attorney General (Mr Scott) back, busy yippy-yapping.

I am surprised that the Attorney General did not have a statement to make today because this land in the Scarborough area on the corner of Ellesmere and McCowan, of course, was the land that was going to be for the new combined courthouse facilities for all those areas east of Yonge. I am not disputing that housing would indeed be a great use for the property; I am just surprised that the Attorney General did not have an announcement to tell us where, on what



different site, the courthouse facilities are going to go.

Third, the minister and this government, from the Premier (Mr Peterson), the Minister of Municipal Affairs (Mr Eakins) and the Minister of Housing on down, wonder why it cannot get along in a co-operative way with the municipalities.

Let me run the minister through this scenario: On 10 July, the mayor of Scarborough asked for a meeting with his ministry and the Ministry of Government Services to discuss this site, as it was Scarborough's preferred site and one of the ones it wanted to put forward for the aquatic facility as part of its Olympic bid. On 14 July, they had a meeting with the Deputy Minister of Housing and with the assistant deputy minister, Government Services. The mayor asked specifically: "Do you have objections to our putting this site forward? Is there anything in the works? Is there any planning going on we should know about?" Nobody said a word to them.

On 17 July, they went to council and it approved that site to go forward. Two days later, they had their press release as their part of the Olympic package and what they wanted in the Scarborough area. Two days after that, in spite of the fact the mayor specifically asked for a meeting for that reason, the minister now announces that she does have problems with the site and that in fact she is going to put housing on the site.

They do not object to that; they object to the way the minister treats them and they object to this type of planning going on, which is an example of what is going on all across this province. The minister has embarrassed the city council of Scarborough and put it into a position which probably will threaten its bid for an aquatic facility for the Olympic Games here in Toronto.

#### FLOODING

**Mr Brandt:** I want to briefly respond to the Minister of Natural Resources (Mr Kerrio) with respect to the devastation that has occurred in the last few days in the riding of Essex South and in the county of Essex generally as a result of the tremendously heavy rainfall received in that area.

I want to share the concern that has been expressed by others in this House for the amount of devastation that has occurred. I welcome the fact that the minister has shown enough interest to tour the area and take a look specifically at the amount of devastation that has occurred in that particular area.

I would like to say that the estimate of damage, which I do not believe the minister commented on, is something in the order of some \$35 million. It is an absolutely crucial situation at the moment for the farmers in the area whose crops have been wiped out. It is anticipated that over 50 per cent of the crops in that area will be lost. Roads and bridges have been washed out. As the minister well knows, half a dozen houses have been completely destroyed.

I want to underline the concerns expressed by my colleague from the New Democratic Party when he indicated that this government has a responsibility to come forward with more than a matching-dollar commitment. A matching-dollar commitment is simply not satisfactory when you get the level of devastation that has been experienced in that area.

I remind the minister that I am not speaking lightly when I say that when there was a comparable situation in Barrie of the type of destruction that took place in the Essex area—and I think it is comparable—a previous government came forward with, I believe, a three-to-one or a four-to-one matching-dollar basis in order to assist that area.

**The Speaker:** The member's time has expired.

**Mr Harris:** I recommend highly that the minister look at the same.

#### VISITOR

**The Speaker:** Just before I call the next order of business, I would ask all members of this assembly to recognize in the Speaker's gallery a member of Parliament from Great Britain, from Westminster, John Evans. Please join me in welcoming Mr Evans.

1400

#### ORAL QUESTIONS

##### FLOODING

**Mr B. Rae:** I have a question to the Premier. It concerns the real tragedy which has occurred in Essex county and the statements that have been made in the House and outside the House by his ministers who have travelled to that area. His Minister of Agriculture and Food (Mr Riddell) was widely quoted in press reports on visiting on Friday that the government was going to be limited in terms of what it contributed to farmers by the rules and regulations with respect to crop insurance.

The minister said in the House today that the tradition was that there would be a matching fund



of one for one. I want to ask the Premier this question: He will know that after the Barrie disaster, which was one that affected life and homes as well as families and many, many people, the government decided to go three for one. In a flood that took place in the township of Field, north of North Bay, it was four for one.

**The Speaker:** Question?

**Mr B. Rae:** I want to ask the Premier, can the government tell us why it has not indicated clearly at this point and understood how serious this disaster is and said, instead of simply matching the funds—

**The Speaker:** Thank you.

**Mr B. Rae:** —that it will in fact go three for one or four for one as it has in other situations?

**Hon Mr Peterson:** As the member knows, the minister has been there. There are two ministers there today assessing the situation.

**Mr D. S. Cooke:** Why the visits?

**Hon Mr Peterson:** My honourable friend to the right of the Leader of the Opposition (Mr B. Rae) would say there should not be any visits. We should just sit up here and make up a policy that is appropriate in the circumstances.

Surely the member will agree with me and members of the government that it is appropriate that the ministers are there to assess the damage at first hand and to talk with members of the community. I can assure my honourable friend that we will respond in an appropriate and generous way, but I think that has got to be done after assessing the facts as they exist.

**Mr B. Rae:** No one objects to ministers finding out the facts and determining how serious the damage is, but every indication would be—and I am sure the Premier would understand—that this is the most serious rainfall disaster that has occurred in this part of Canada in a generation and that it is not an event that can be covered strictly by the institutions and rules that are in place.

Is the Premier telling us that he supports the position taken by his colleague the Minister of Agriculture and Food who says that any farmer who did not have crop insurance will not be getting any money from the provincial government?

**Hon Mr Peterson:** I expect the cabinet will deal with this matter, probably this week, on the basis of the information gathered up from my colleagues, on the basis of their assessment and looking at the available programs at the present time. I am not in a position to respond today to the member's question, but I can assure him that

we will respond generously and appropriately to this disaster, as we have to other disasters that have befallen other people in this province.

**Mr B. Rae:** Ontario is the only agricultural province that has not entered into a federal-provincial agreement with respect to drought relief going to farmers affected by the cash crop crisis last year and this year, the only one that has not.

We have farmers outside this Legislature who are there because the government have not moved on drought from last year, the farmers who were hammered by drought last year, those very same farmers, like the one I talked to outside, his farm was flooded on Friday because of the rainstorms. We are in an exceptional time in terms of weather.

The question I have for the Premier is this: Will he categorically state that he will not be limited in how he responds by the statements made by the Minister of Agriculture and Food with respect to what he is going to do? Will the Premier make that statement?

**Hon Mr Peterson:** I can tell my honourable friend that he is quite right. If one considers the London area, a month or so ago, at the beginning of July, there was talk that there was too much water; three weeks later, they are talking in terms of a drought. There have been dramatic changes in terms of the weather and the variation across the province as well in terms of needs.

As the member knows, there was a federal government announcement of a drought relief program. That was their program, and there were no consultations with the government in that particular area. Two other provinces chose to become involved, but there was never any consultation with the provincial government, and that was announced by the federal Minister of Agriculture during an election campaign and became his responsibility. We have other ways of responding and indeed we do.

As I said to my honourable friend, we are looking at all aspects of this disaster in Essex county. This is not an unsympathetic government. The ministers are there today, and we will share that information with the member and the people of Essex county as soon as we can appropriately respond. I think it would not serve this Legislature or the people of Essex county well if we responded superficially. There are talks going on constantly with the local officials and with farmers, people affected, and I think my honourable friend can have confidence that the response will be forthcoming and generous.

## POLITICAL CONTRIBUTIONS

**Mr B. Rae:** A question again to the Premier: He will perhaps have heard of the questions I raised on Thursday about the fact that yet another charity appears to have been involved in making political contributions to members of his party.

On the weekend, upon examining the records, his Minister of Housing (Ms Hošek) decided to order that the \$750 contributed by St Hilda's Towers to her campaign be returned. I wonder if the Premier is now saying that as far as he is concerned, this particular matter is closed.

**Hon Mr Peterson:** I guess the member brought this particular matter of St Hilda's to the public's attention. Certainly I was not aware of it. It is not our policy to accept donations from charities. If we are aware of that, I can tell my honourable friend, and if it comes to our attention, then obviously we return it.

As my honourable friend knows, it is not illegal in the hands of the donee, but it is inappropriate for the donor to give this amount of money. We are not in favour of that. Obviously, anything given in error will be returned.

**Mr B. Rae:** I am sure St Hilda's will be grateful to get that sizeable amount of money returned to it. The question I have for the Premier is this: Canon Ward says the reason for giving was this:

"The playing field just isn't level. We're stacked up against private nursing homes and their paid lobbyists. We don't have \$100,000 or \$200,000 to throw around to hire lobbying consultants. We never hid anything. If we knew it was illegal, we would never have donated it openly. I was looking to be able to work with the Housing ministry to design a building that would be feasible. And what I did get from Chaviva was a sympathetic ear. Otherwise, it's stacked against you from the start."

That is a deplorable state of affairs being described by Canon Ward. Can the Premier explain why Canon Clifford Ward would be quoted as saying these things in the newspaper and why he would be saying this about the way the Premier's government does business in the province?

**Hon Mr Peterson:** I cannot explain why Canon Clifford Ward would have a particular view on a particular subject, but let me say, and I think he has found out, that all of these judgements are made as rationally and dispassionately, based on need, as is possible in the circumstances.

I understand that he has an application before the ministry that at this point has not been acted upon. As the member knows, the programs for co-operative housing are completely oversubscribed, in spite of the fact that the Treasurer (Mr R. F. Nixon) has put some \$3 billion into those programs in the last couple of budgets. They are as objectively and rationally done as possible.

I think the message has to go forward to him, to the member and everybody else that it does not matter who one is. They are done as objectively as possible, with no fear or favour. Clearly that is the rule for action in this government.

**Mr B. Rae:** Canon Ward does not feel that way and perhaps one could try to find out why he does not feel that way.

The final supplementary I have for the Premier is this: Canon Ward told me that the money that he used for political contributions came exclusively from rent income from houses nearby St Hilda's Towers. It now turns out that one of those houses is in fact being rented by a member of the Minister of Housing's staff, which in turn means this money is being turned over and recontributed back to the Liberal Party.

Interjections.

**Mr B. Rae:** That is exactly what is happening. My question for the Premier is this: Would he agree to refer any of the charitable contributions made by St Hilda's Towers to the public trustee, so that we can see just what the extent of this giving is?

**Hon Mr Peterson:** Absolutely, I have absolutely no problem with that whatsoever. I think that he should look at these matters. Presumably it is a charity, presumably it has a charitable number and he should look at it and draw his own conclusions. Absolutely, it should all be there for the public to see. If my honourable friend has any allegations he can substantiate, as opposed to just drawing some conclusions that are ill-founded on fact, then he should do so as well.

## FLOODING

**Mr Brandt:** My question is for the Premier as well. At a time of tremendous concern and apprehension in the Essex area, there are mixed signals coming from his government in connection with the level and the type of assistance that might be provided.

On one hand, there is the Minister of Natural Resources (Mr Kerrio) and also the Minister without Portfolio responsible for disabled persons (Mr Mancini), who is the member for Essex South, indicating sympathy for the amount of assistance that will be required. On the other



hand, there is the Minister of Agriculture and Food (Mr Riddell), who indicates that he is limited as a result of the crop insurance plan and the amount of assistance that may be forthcoming.

I would say to the Premier that at the time of the drought that was experienced last year, the livestock producers did in fact receive \$12 million, in addition to their crop insurance, when they had a particular problem. Now we have the vegetable growers and the fruit growers who have a very serious problem. In addition to that, we have the problem that it is now impacted in Essex South.

Is the Premier's government prepared to make a commitment to do something over and above the normal one-to-one dollar commitment that is made by governments in cases like this?

1410

**Hon Mr Peterson:** I may be wrong, but I think that is the exact same question I was asked just a couple of moments ago by the leader of Her Majesty's loyal opposition, and my answer to him is exactly the same.

Obviously, we look at that situation with great concern. I expect we will be responding quickly on the basis of all of the facts; I expect that will be this week, on the basis of the determinations by the minister.

I am aware of the fact that there is some damage to crops. At this moment we do not know the full extent of that. As my honourable friend is quite well aware, you can have damage to crops from flooding, drought, pestilence, other kinds of weather; hail, for that matter. As it is qualitatively or substantively different, how should our relief be structured, in terms of buildings, in terms of farm land lost, or whatever?

As a former minister of the crown, the honourable member will be aware that his government was involved in responding to a number of natural disasters. They responded generously, with the support of this House, as this government will do. But do not deny us the opportunity to look objectively at all of the facts and the extent of the damage. I can say to my honourable friend that we will be doing that and responding appropriately.

**Mr Brandt:** The municipalities in the area have already designated the area as a disaster zone as a result of the devastation they have been experiencing.

The Premier indicated that my question was simply a reiteration of that which was previously asked. The answer I am looking for is some

degree of flexibility over and above that which was provided for in the statement made by the Minister of Agriculture and Food (Mr Riddell), who indicated that nothing more than a dollar-to-dollar kind of contribution would be made as result of the disaster designation and as a result of the limitations that are provided for under the legislation he works under, and also the problem of crop insurance.

Is the Premier prepared to undertake a commitment to this House that he is flexible beyond the one-to-one dollar? That is all I am asking for.

**Hon Mr Peterson:** The answer is that we will be generous, we will use the best judgement possible in the circumstances and we will solicit his advice in this matter as to how to do it when he, too, has determined all the facts.

I find it mildly curious that both of my friends opposite stand up and tell me to break the rules, when day after day they tell me we should be following a certain set of rules. Now they both stand up and ask me to break the rules and be flexible and use their particular judgement in the circumstances. I find that mildly curious, given their varying positions on these varying matters from day to day.

**Mr Brandt:** When the Premier breaks the rules to benefit the people of Ontario, I see nothing wrong with that. It is breaking the rules to benefit individual members in this House that is wrong, if he wants to get into that.

All we are asking for is that when the Premier's cabinet meets on Wednesday he will be reasonable and flexible, recognizing that he is not breaking any rules if he increases the subsidization of Ontario to three-to-one or four-to-one, if it is justified after he has looked at all of the facts.

All we are asking is: Will the Premier draw some distance between the position of his government and the position taken in the statement by the Minister of Agriculture and Food that there is no additional money available for the farmers of that area as a result of their perhaps not having adequate crop insurance? We are asking him to separate himself from that statement. That is all.

**The Speaker:** Thank you. The question has been placed.

**Hon Mr Peterson:** We will be reasonable, we will be flexible, we will be generous and we will solicit the member's advice on this matter. He has just asked me to contribute on the basis of three-to-one or four-to-one, depending on the

facts, although he is not sure of them. When he does have a handle on the facts—

**Mr Brandt:** Is the Premier?

**Hon Mr Peterson:** No, I am not sure of them, and that is why we are waiting. If my honourable friend does have a handle on the facts and he knows what it should be, I solicit his advice, because he is always thoughtful and well studied in his views on these matters.

**The Speaker:** New question.

#### HEALTH INSURANCE

**Mr Brandt:** My next question is to the Premier.

**The Speaker:** Very good.

**Mr Brandt:** It is with respect to a question of double taxation. The Treasurer (Mr R. F. Nixon), who sits beside the Premier, will probably have a great deal of input into the decision with respect to the previous series of questions that were asked in connection with the problems in Essex South.

I would ask the Premier if he thinks it is justified for the people of this province to be paying double taxation on a particular program in the amount of some \$400 million, and probably well in excess of that. Does he think that is proper and appropriate? If he is looking for money to pay for Essex South and for the fruit and vegetable growers, I think I have found it for him.

**Hon Mr Peterson:** This is obviously a trick question and the one most capable of handling that is the Treasurer.

**Hon R. F. Nixon:** If the member knows where we can pick up an extra \$400 million, perhaps he should proceed.

**Mr Brandt:** I am going to proceed on the basis of the Treasurer's announcement, when he did not clarify to the people of this province that he was going to be collecting Ontario health insurance plan premiums for a period of time that would overlap, as of 1 January 1990, with the collection of the new payroll tax.

According to the estimates we have taken, since there will be double charges during the early months of 1990, he will collect an additional \$400 million which he has not owned up to, in terms of that amount of money, to the people of Ontario. Will he agree that this double taxation is in fact the reality and it is going to happen?

**Hon R. F. Nixon:** As the member knows, the imposition of premiums to pay for at least part of our OHIP program was a decision taken by the

honourable member's government, I guess even before he was elected. It was our view at the time that the premium method of paying for medicare was inappropriate and that it should be universal and accessible, and that is why we have decided to abolish the premiums.

In order to do that, there is going to be a transition phase in which, in order to properly maintain a cash flow to the doctors and the hospitals, it is essential that there not be a hiatus in these payments. But I can assure the member that the statement I made to the Legislature, particularly involving small business, is that employers' payments do not come into force by way of a requirement until April. It is going to be a convenience for them and we feel that the appropriate transition between premiums and the process involving the employer health tax is one that is going to be fair and equitable.

**Mr Brandt:** While one member of the Liberal Party is applauding, let me just say, in connection with the response the minister has given me, that what he talks about in terms of a transition period and of being fair is in fact collecting from the taxpayer twice for the same service. He is going to be collecting OHIP premiums at the same time as he is introducing a new payroll tax.

I do not want to revisit history in terms of the philosophical reasons for the changes he has made. The reality is that he is hitting the taxpayer twice with these two separate programs, the amount of which is going to be something in excess of \$400 million—and I would not be at all surprised if it will be closer to \$500 million—in double taxation. Does the Treasurer think that is right, justified and proper?

**Hon R. F. Nixon:** I think the honourable member forgets the basic facts. The decision means that beginning 1 January 1990 individuals will not have to pay the premium, so they are not going to be double taxed. As a matter of fact, there will be \$1 billion left in the pockets of the taxpayers, including the pockets of the honourable member himself, whose employer pays 100 per cent of the cost of his medicare coverage.

#### ASSISTANCE TO FARMERS

**Mr Kormos:** I have a question for the Minister of Agriculture and Food. For the last week he has been asked some very specific questions about his willingness to participate in the drought relief program for fruit and vegetable growers in the province. He has danced around the issue on each and every opportunity he has been given to address it.



We have a whole bunch of apple growers and other farmers sitting right here in this Legislature, representative of farmers, fruit and vegetable growers across the province, who want to know why the minister thought it was good enough to participate in a \$12-million drought relief program for livestock producers but why he will not spend a penny to assist these good farmers who suffered significant losses in the—

**The Speaker:** The question has been asked.

**Hon Mr Riddell:** The honourable member is referring to two different programs. The livestock drought assistance program was a jointly funded program right from the very beginning. The reason that program was introduced was to prevent basic herd reductions, which would take years and years to build up if ever the farmers decided to deplete the basic herd.

**1420**

The crop drought assistance program was announced at the time of the last federal election, I repeat, with no consultation on the details of the program, no consultation about the cost of the program with the province. My question to the member is: Why would we pick up the tab for a federal election promise?

**Mr Kormos:** The fundamental question comes down to this: We are looking at people right here in this Legislature who are in danger of losing those farms if the appropriate assistance is not forthcoming. Once again, why is the Minister of Agriculture and Food not prepared to assist these people to any extent?

He has made that quite clear. He should tell them now why he is not prepared to give them drought assistance at the time they so very seriously—

**The Speaker:** Thank you. That is the third time the member has asked the question.

**Hon Mr Riddell:** The program the member is referring to is a federal program, announced by the federal government at the time of the last federal election, and I fully suspect and hope that the federal government will live up to its commitment. I just cannot believe the federal government would make a promise and then fail to carry out the promise it made.

**Mr Brandt:** I want to raise a question with the Minister of Agriculture and Food on this same point. The minister, as well as the Premier (Mr Peterson), has repeatedly said that the only reason Ontario is not going along with this program is that it was announced as a program of relief for these particular farmers during the last election. I do not see what makes that so wrong.

The need is there; the co-operation of other provinces is already in place. The minister stands alone in resisting a program that will help the fruit and vegetable growers of this province. The minister ought to be ashamed of himself. Does he not care about the farmers?

**Hon Mr Riddell:** I would dearly love to take the time to talk about all the assistance we have provided the farmers over the last four years—

Interjections.

**The Speaker:** Order.

**Hon Mr Riddell:** —assistance that is 100 per cent more than the previous administration offered the farmers before we took over.

On the crop drought relief program, once again I want to refer to a news release that was put out by the Ontario Agricultural Commodity Council, which consists of a number of commodity groups including the Ontario Fruit and Vegetable Growers' Association.

"A clear commitment was made by federal politicians last autumn that assistance would be provided to compensate farmers to a level of 87 per cent of normal crop yields. Now we are hearing clear signals that much of the money will not come unless the provincial governments agree to pay half." Now listen to this, Mr Speaker, right in the press release: "This was certainly not part of the original commitment made by Ottawa."

I also have to say that the Ontario Federation of Agriculture agrees with the stand we are taking.

Interjections.

**The Speaker:** Order.

**Mr Brandt:** I want to tell the minister a simple economic fact of life. Any time you can get a partner to participate in an assistance program, you usually welcome that assistance.

If the minister has to make adjustments in his budget, if he has to find some other way to accommodate the needs of the fruit and vegetable growers, why does he not do that? The minister is standing behind a whole series of statements that are factually incorrect, one of which is that there was no consultation. On 7 July, the assistant deputy minister of the ministry indicated to the commodity council that at that particular time the ministry had in fact been consulted by the federal government with respect to this program. Why does the minister not simply move on it instead of hiding behind a bureaucratic wall that is unnecessary? He should assist the farmers, make the adjustments in his program, and do what is right for a change.

**Hon Mr Riddell:** The deputy minister did not make any kind of statement that has not been public knowledge for some period of time. When my people were involved back at the time, when they were even talking about a program to continue on with the special grains program that the federal government introduced the previous two years, they simply said to my people, "How could a program be designed?"

Then, before our people knew anything about it, at the time of the last federal election they announced a program, a \$850-million program which was never mentioned in any prior consultation; the details of the program were never announced and the costs of the program were never discussed with the provincial government. But it just so happened that they wanted to make an impression at the last federal election, so they made this \$850-million commitment, with absolutely no provincial government involvement. I suggest—

**The Speaker:** Thank you.

#### QUEEN'S COUNSEL

**Mr Owen:** I have a question for the Attorney General. The tradition of Queen's Counsel in the legal profession is a long and honourable one in Britain. There, those who have distinguished themselves in their careers before the courts have been designated Queen's Counsel, because of their reputation and experience. The minister is well aware that that tradition has never been the way in which Queen's Counsels have been appointed in Ontario, but it has been by a different system. The minister has indicated to the Legislature before that he was going to be changing that system. I am aware that the bill bringing about that change has come about—

**The Speaker:** The question?

**Mr Owen:** —in first reading, but could the minister advise the Legislature what the present status is with regard to the proposed changes concerning Queen's Counsel?

**Hon Mr Scott:** The bill is before the House and I am very anxious to see it passed. If the two opposite parties will lend their consent, we can pass it on the nod today.

**Mr Owen:** In the event that the Attorney General gets the co-operation of the opposition to pass the bill today, I wonder if there has been any discussion with regard to the Law Society of Upper Canada and what it would propose to replace the present system, and whether there will be any input requested of the government in any system introduced by the law society.

**Hon Mr Scott:** In anticipation of the bill, I understand the law society has introduced a medal that it now awards to distinguished lawyers. That, it seems to me, is a highly desirable course of conduct. For my own part, I never understood why an independent bar wanted to come to an Attorney General to ask for honours, but some members of the bar still feel that is an appropriate way to respond.

I hasten to add again that if we could get the support of the two parties opposite, we could pass that bill this very day before suppertime. The New Democratic Party has given its consent. Now may we hear from the Conservatives?

Interjections.

**The Speaker:** Order.

#### CHAIRMAN OF ONTARIO SECURITIES COMMISSION

**Mr Hampton:** My question is for the Attorney General. A recent detailed investigation and report by the Law Society of Upper Canada recommended complaints of professional misconduct against a lawyer who was recently appointed as the chairman of the Ontario Securities Commission by this government. However, the chairman of the discipline committee at the law society overruled the special report.

Is the Attorney General not concerned that the law society is ignoring the public interest in this question by ignoring what its own investigation department and its own special counsel recommended? Is the Attorney General also not concerned that someone he has appointed as chairman of the securities commission would have these recommendations brought against him?

1430

**Hon Mr Scott:** As the honourable member will recall, in my absence, the Treasurer (Mr R. F. Nixon) was asked this question on 11 July. He gave an answer; I have read his answer; I think his answer is right.

**An hon member:** What was it?

**Hon Mr Scott:** Don't try to sandbag me; I read this stuff.

**Mr Hampton:** I am not concerned that the minister reads it; I am concerned that he knows what to do with it.

Just to make sure the Attorney General has read the material, the answer from the Treasurer was that the law society is a completely independent, self-governing body.

One of the benchers at the law society, as a member of the governing body, has asked for this report on this situation. He was refused.



The Attorney General is supposed to be the guardian of the public interest. He has the capacity to ask for that report and to ensure that the public interest is being protected and that things are being done properly.

**The Speaker:** The question?

**Mr Hampton:** Is he, as Attorney General, going to act in the public interest on this question and demand that report?

**Hon Mr Scott:** As the Treasurer explained to the honourable member last week, the law society has its own bylaws. If it is a breach of confidentiality to disclose a report to one bencher, it is a breach of confidentiality to release it to another. I am a bencher and I presume I would be dealt with in the same way.

The honourable member is a member of the law society. Why does he not get off his hind legs and do something about this?

### CANCER TREATMENT

**Mr Eves:** In light of the absence of the Minister of Health (Mrs Caplan), I have a question for the Premier.

Over the last several months the issue has been raised many times in this Legislature, of individuals throughout Ontario, but specifically northeastern and eastern Ontario, being unable to get radiation treatment with respect to cancer treatment.

I have a letter from Dr Goss, who is the head of medicine at the Sudbury cancer clinic. It is addressed to Dr Duncan, who is the chief of radiation oncology at Princess Margaret Hospital. He points out the instances of two women—two of some 500 to 700 people, I might add—from northeastern Ontario who are having difficulty getting radiation treatment at Princess Margaret.

One is a 75-year-old woman who has Hodgkin's disease. She has been told that although she has a very curable disease, she cannot expect to receive radiation treatment for three to four weeks.

The other is an instance of a 37-year-old female who also has Hodgkin's disease and who received a month of radiation treatments and then was told on May 15 that she would have to wait until at least July 17, some two months later, before she could receive her next series of treatments.

**The Speaker:** And the question?

**Mr Eves:** The doctor goes on to say that these people have potentially curable diseases and he finds it very unacceptable that these patients

cannot get treatment. Does the Premier find this sort of standard of level of care acceptable, and if not, what is he going to do about it?

**Hon Mr Peterson:** My honourable friend raises two particular cases. Let me say that I would be very happy to ask the minister to look into those. As I am sure he understands, it is impossible for me to respond and make a medical judgement in this House, not knowing any more about the cases than he tells me and not being a doctor.

I think the Minister of Health would tell my honourable friend that the judgements are made by the medical profession as to the severity of the situation. He will be aware that the ministry is spending an enormous amount of money on cancer treatment facilities in Princess Margaret, north London, Hamilton and other places, trying to upgrade those facilities. If there are errors of judgement or things that are not correct in particular cases, I would certainly be happy to ask the minister to review them.

**Mr Eves:** This is not an isolated incident or two isolated incidents. These are mere examples of some 500 to 700 people from northeastern Ontario who are having great difficulty receiving radiation treatment. They used to go to Princess Margaret and now cannot go because it has cut back 20 per cent of its treatment due to the fact that it has a shortage of radiotherapy technologists.

Dr Duncan, in his letter back to Dr Goss, says:

"You will understand that the inability to provide a reasonable standard of care has been a source of great anguish to all of the staff in the department of radiation oncology. We understand that it does also introduce great difficulties into the practice of other physicians and surgeons. We have to acknowledge that these delays may be detrimental to our patients."

He then goes on to talk about the shortage of radiotherapy technologists at Princess Margaret Hospital.

**The Speaker:** Question?

**Mr Eves:** I understand there is a shortage of these people. We have suggested to the Minister of Health on several occasions, as indeed did the Ontario Nurses' Association, that an independent health manpower institute be set up and funded by the government so we can look at these long-term planning needs—

**The Speaker:** Do you have a question?

**Mr Eves:** —or such an idea or concept of this independent health manpower institute as has been suggested in—

**The Speaker:** Order.

**Hon Mr Peterson:** I would have to know more about my honourable friend's ideas in this regard, but let me say that I will certainly discuss any ideas he has with the minister responsible.

#### FARM TAX REBATE

**Mr Tatham:** My question is to the Minister of Agriculture and Food. I have had a number of phone calls and letters about the farm tax rebate. Recent newspaper reports have indicated that some rural townships have expressed concern that announced changes to the farm tax rebate will impose hardships on them in collecting taxes. Does the minister agree with this contention and will he comment on whether that is in fact the case?

**Hon Mr Riddell:** The changes to the farm tax rebate should not make it more difficult for municipalities to collect taxes. Those who farm as a livelihood will continue to receive 100 per cent of their taxes paid. For those whose rebates are reduced, the reduction will be in proportion to their income from nonfarm sources, an income which should certainly allow them to pay their taxes.

**Mr Tatham:** Will these changes to the program result in any decrease in provincial subsidies to municipalities?

**Hon Mr Riddell:** The farm tax rebate program pays rebates directly to the farmers; they do not go to the municipalities. The changes to the program will not result in a decrease in provincial subsidies to municipalities. It is important to remember that the government will pay \$140 million this year to farmers across the province for farm tax rebates. That is considerably more than the \$90 million paid out to farmers before the administration changed in this province.

#### ASSISTANCE FOR THE DISABLED

**Mr Allen:** I have a question to the Minister of Community and Social Services with regard to the James and Phoebe Lauber family of Pontypool, Ontario, and their 19-year-old son who has long suffered from degenerative bulbar palsy and has lost control of all his bodily functions this last while. I am sending across a copy of Kevin's care plan to the minister. He will see that Kevin's care is not just demanding; it is all-consuming for the Laubers.

When Kevin became 19, the 55 hours of respite care the Laubers secured from the ministry dropped to only 24 hours. Despite the physical, emotional and, I must say, financial exhaustion of the Laubers, adult protective

service workers have been unable to get a further 24 hours of respite care from the Ministry of Community and Social Services.

Why must such families experience a traumatic decline in available support services when their children pass the 18th year? Why would the minister not at least allow the Laubers an additional 24 hours of respite care in dealing with their son?

**Hon Mr Sweeney:** As the honourable member is aware, we have different program resource bases for children and adults. There are a number of reasons for this. One of the reasons, of course, is that children usually have no sources of resources for themselves and therefore have to depend upon assistance from one level of government or another, whereas adults usually have income from other sources.

In this particular case, I do not know whether that is the truth or not. I am not personally aware of the details. I thank the honourable member for providing me with the background and I will certainly look into it.

1440

**Mr Allen:** I thank the minister for that. He must be aware of the difficulties faced by families like the Laubers, which are truly heart-rending as they knock on government doors and are denied on a number of fronts. For example, the Laubers have been denied some kind of support because Kevin is adopted. There is no money to do home renovations for a live-in nurse. Even if there were, they are told that they would have to sell their present home because it is not appropriate. Despite a \$5-an-hour job, Mr Lauber has to pay 25 per cent of all medical supplies under the assistive devices program and so on.

I presume the minister wants Kevin Lauber to be cared for at home rather than in a more expensive, less caring institutional setting. Will the minister give any further specific suggestions to his initial answer as to how he proposes to make that happen?

**Hon Mr Sweeney:** As a general rule, the honourable member is correct; we do prefer to support families to take care of their disabled family members at home. However, from time to time, in some cases we are faced with a request for 24-hour care-nursing care that goes on 24 hours a day and requires three nurses and three shifts seven days a week, and of course other supports as well. In cases like that, where it would be very costly to provide that kind of service at home, we attempt to sit down and work



with the family to try to find a more appropriate way of providing service to that family member.

But the member is correct; if it is reasonable—and of course he would agree with me that “reasonable” is always a difficult word to define, as it depends upon individual circumstances—to provide the family with support, then we certainly attempt to do so. If the request is beyond our reasonable capacity, then we attempt to find an alternative. In this particular case, I am going to have to see which of those two situations applies here.

#### INVESTIGATION INTO MUNICIPAL ELECTION

**Mr McLean:** My question is for the acting Solicitor General, who no doubt is aware that the Ontario Provincial Police probe into alleged voting irregularities in Tiny township was launched at the same time as a similar investigation into voting irregularities in Wasaga Beach. Fraud charges have been laid in connection with proxy voting irregularities in Wasaga Beach in its municipal election. Many residents of Tiny township want to know the outcome of the OPP investigation into their municipal election.

Can the acting Solicitor General outline the outcome of the OPP investigation into the alleged proxy voting irregularities in Tiny township during the fall election of 1988?

**Hon Mr Scott:** I cannot answer my honourable friend's question except to observe that not all investigations into voting irregularities take the same amount of time to accomplish. I will be glad to inquire into the state of this investigation and let the honourable member know.

**Mr McLean:** Because that has taken a very long period of time, this is one of the questions I would like to find out about. Why are the ballot boxes still in the Tiny vault, as ordered by the police on 19 December, and never opened? Has there been a coverup here or what is going on with regard to this investigation?

**Hon Mr Scott:** The honourable member is getting the New Democratic Party disease when he mentions “coverup.” The ballot boxes are in custody so that nobody will put any more ballots in them.

#### COULTER FINANCIAL CORP

**Mr Chiarelli:** My question is to the Minister of Financial Institutions concerning the unfortunate circumstances in the Ottawa area and the Coulter group of companies. People in Ottawa and district are very seriously concerned about

the situation. I wonder if the minister can give the House an update.

**Hon Mr Elston:** I am pleased to provide as much information as I can at the moment. We are continuing our efforts to review the various transactions to see exactly what the status of invested funds is. Indeed, it is an unfortunate set of circumstances that has led to this series of events, but I can tell the honourable gentleman that in addition to the receiver who was appointed recently, there has been another court-appointed monitor, so to speak, in the ongoing review, so that the investors' funds can be seen to be protected.

We, as the government, in our position to review regulatory and other aspects of the dealings, are working in concert with all of the authorities to ensure that funds are protected in the best way possible.

**Mr Chiarelli:** My supplementary deals with submissions that have been made from time to time by the Ontario Mortgage Brokers Association to the Ministry of Financial Institutions. Is the ministry at this point going to give serious consideration to the submissions that have been made by the association from time to time dealing with tightening up the regulations?

**Hon Mr Elston:** As we go through the analysis of this particular series of events, there is no question that we will be analysing the act and how it was able to respond to the circumstances, the question of a series of amendments which were proposed some time ago but which were never acted upon. I am not certain that those amendments as proposed then, even if applied to the circumstances we know about now, would have prevented the losses.

From my point of view, one of the important aspects for anyone with money to invest in this jurisdiction or any other is to ensure that he is adequately informed, by the people selling the investment vehicles, of the risk involved. Those people who choose an investment vehicle which has attached to it a premium above what I guess we could call standard investments or insured investments or whatever, ought to be even more assured of the information which is given to them, and in fact have to keep themselves informed of the ongoing credibility of the investment as a return to their equity, to what might be seen otherwise to be much more risky than usual.

#### WITNESS PROTECTION PROGRAM

**Mr Kormos:** I have a question of the Attorney General. He is undoubtedly aware of the matter

of one Robert Héту. We are told Héту entered Ontario's witness protection program when he testified against his own assailants, Simard and Clement. While on the program, Héту molests young girls under his assumed name, still participating and under the protection of the witness protection program.

People are outraged that Héту, a child molester, would continue to be protected. Simard and Clement have been convicted; they are in jail. Why is Héту still in the program and, quite frankly, why was he not being supervised more thoroughly while he was in the program?

**Hon Mr Scott:** As the honourable member knows, but probably will not say, Héту entered the program in 1983. When he entered the program, he had not committed any criminal offence and the proclivities which later produced charges in 1989 were not revealed, so he was an appropriate candidate for entry into the program.

The program was not completed when he was charged in 1989 with the offences to which the honourable member refers. The decision was made that we should not breach the agreement that permitted him into the program while those charges were not dealt with.

**Mr Kormos:** What is particularly shocking is that this man pled guilty in June to four counts of sexual assault on these young girls, was remanded out of custody until October and is still walking the streets. The question being asked is: When is the ministry going to establish set standards for the witness protection program so that the public, the police, the crown and witnesses as well, will know what the guidelines are, what the rules are?

**Hon Mr Scott:** I know the honourable member has been trying to make hay with this in the press, but there are standards. We require, and have for the last two years, a written agreement to be entered into between the witness and the government before any payments are made. Because Héту entered the program in 1983, that precaution was not available. It now would be.

What we decided was that when he was subsequently charged—and he had never been charged before—three or four years into the program, he should not be forced to abandon all his rights under the program. Surely my honourable friend is not saying that when the government makes an agreement with a witness, it should abandon that agreement at some later date after the witness has done his part but when the government has not.

## ELECTRICITY DEMAND AND SUPPLY

**Mr Cureatz:** I have a question of the Minister of Energy. As indicated in my resolution last week—to which, I might add, a number of Liberal backbenchers gave full support—I want to follow up and make the inquiry—

1450

**Mr Carrothers:** Name names.

**Mr Cureatz:** Well, I have the list and I wish I had more time. There will be another time when I can name names.

I want to tell the minister that in my discussion of the resolution, I brought to his attention the concerns of major power consumers of Ontario, namely the large industries across the province, directing concern to the ministry that they are worried that Ontario Hydro will not be in a position in the near future to supply the needed electricity.

This being the case, it means that a number of those industries will not be able to expand, and as a result, provide all-important jobs for Ontario. Is the minister not concerned about the possibilities of those industries not being able to expand and therefore not creating more jobs in the province?

**Hon Mr Wong:** First, let me say that Ontario's electricity system is being run on a very sound basis. As I indicated last week, a mix of both demand and supply options is necessary if we are going to be successful in meeting the supply and demand needs of this province. I might indicate that the parallel generation policy that I announced on behalf of the government last week helps to go an important step along the way in taking this province from here to the year 2010 in terms of meeting its electricity needs.

**Mr Cureatz:** As I indicated in the various supplementaries over this last session, we are concerned. The minister keeps saying time and time again that he is going to be waiting until Ontario Hydro comes forward with its demand-supply options study. Is the minister going to be able to advise this Legislature, when we come back for the fall session, where the next major power source is going to be and whether he is going to institute a kind of environmental banking in anticipation of making that decision?

**Hon Mr Wong:** As I have indicated to the honourable member before, this fall, in September or October, Ontario Hydro will be presenting to the government and then the public, its preferred plan. When the public and the government have had an opportunity to fully analyse



this plan, then of course we will be in a position to determine the best course of action to take.

### DRIVER EXAMINATIONS

**Ms Bryden:** I have a question for the Minister of Transportation. I commend the minister for belatedly expanding service at selected driver examination centres in Ontario, including Saturday testing at some centres, to meet the large increase in the number of road tests requested in recent years. However, part of that increase is due to the recent requirement that all persons over 65 involved in an accident of any kind must be retested.

Not only does this discriminate against all seniors, but it imposes a severe hardship on them because access to the examination centres is not always easy for seniors in rural areas or for those with disabilities. Many find it difficult to prepare for the written test without assistance in updating their knowledge of the Highway Traffic Act.

Will the minister review the law requiring retesting for all seniors after an accident of any kind in order to target retesting of all persons involved in accidents of a serious nature, while retaining the requirement that all drivers must be—

**The Speaker:** Thank you.

**Hon Mr Fulton:** I appreciate the question from the member for Beaches-Woodbine and her comments in her preamble. She may remember that my colleague the member for Willowdale (Mr Matrondola) raised a very similar issue here some time ago. I think, though, she is slightly incorrect; where someone over 70 is involved in an accident and is deemed to be partially responsible, the person is then called in for retesting. It is not automatic at the age of 65.

**Ms Bryden:** The ministry gave out the information yesterday when we phoned them that it was automatic for people over 65, so I think the minister should inform his ministry what the law is and what the practice is.

I understand that some municipalities and senior citizens' organizations are providing courses of instruction for seniors to assist them in preparing for retesting when required. Could the minister provide some financial incentives for the development of such courses as part of its drivers' re-education program?

**Hon Mr Fulton:** I would be curious to know who was answering the phone yesterday, but we are always reviewing our programs with respect to drivers at every age, recognizing, as the Minister without portfolio responsible for senior

citizens' affairs (Mrs Wilson) has brought to our attention on a number of occasions, the particular needs of seniors. In many cases we have made special arrangements to accommodate them. The member would be aware that we are very much involved with a review of driver licensing and the manner in which people get on to our roads and highways.

### OTTAWA AREA TRANSPORTATION

**Mr Sterling:** I have a question for the Minister of Transportation as well. At the end of this year the Canadian Pacific Railway is planning to abandon a railway line which goes approximately from Carleton Place through the township of Goulbourn, the city of Kanata and into Ottawa. Has his ministry done anything to look at the feasibility of providing or entering into some kind of an arrangement whereby the people of the Ottawa-Carleton area would have a system similar to the GO train which the province supports in the greater Metropolitan Toronto area?

**Hon Mr Fulton:** The member for Oxford (Mr Tatham) was just talking to me about the very same subject of rail line abandonment. The member is aware that we have an interministerial committee of three or four ministries which have an interest in the subject and what eventually might be the lines used. Of course, our primary interest is in maintaining transportation services. The member would be aware that we intervene and express our position with respect to each individual abandonment to the federal government.

**Mr Sterling:** Yes, I am well aware of the fact that the ministry might do that, but in the Ottawa-Carleton area, as the minister well knows, the east-west travelling arrangements on the Queensway are extremely congested at this time. There does not appear to be any other east-west corridor which is available to the residents to get from the west end of Ottawa-Carleton into the centre of the city. This rail line would provide a tremendous opportunity if it were utilized for the transportation of people from their homes into the centre of Ottawa.

Will the minister look at this with a view to the feasibility of supporting a commuter rail line from Carleton Place, Stittsville, Kanata and Nepean into the centre of Ottawa? Will the minister look at it?

**Hon Mr Fulton:** The member would be very much aware of the involvement of our ministry financially. Only as recently as last week, with my colleague the member for Carleton East (Mr



Morin), we made a further announcement with respect to major roads. He would be aware that we have committed in excess of \$340 million in the Ottawa-Carleton region since 12 June in addition to our ongoing support for the construction of the Transitway, which is the second largest transit system in Ontario.

Of course, we have concern when any transportation system is being abandoned or shut down. It is currently a federal responsibility, and until the federal government addresses its problem of Canada's national passenger network, I am not in a position to do its job.

#### PROPOSED NEUTRINO OBSERVATORY

**Mr Laughren:** I have a question for the Minister of Northern Development. The minister will know that the scientific community had asked Ontario for a little over \$7 million in order to establish a neutrino observatory in Sudbury. Could the minister explain why the province has not responded to that very reasonable request for \$7.2 million, and where the negotiations are at this point?

**Hon Mr Fontaine:** Last week, the Northern Ontario Heritage Fund Corp Board received a letter from this committee and it was asking for \$6 million. Then, on the same day, I discussed the matter with the Minister of Industry, Trade and Technology (Mr Kwinter) and they were asking for between \$13.5 million and \$15 million from the province. All the time during the negotiations we were told verbally that the price would be \$7.5 million. So, now I am at a loss.

At my management meeting this morning—

**Mr B. Rae:** Not as big a loss as it will be if you give it to them.

**Hon Mr Fontaine:** No, no. I will be phoning the manager of the heritage board to phone Mr May in Ottawa to try to untangle this situation.

1500

#### VISITOR

**The Speaker:** Just for the information of all members, I know they would want to join me in welcoming a federal member of Parliament, Ian Waddell, from British Columbia.

#### PETITIONS

**Mr Pope:** I have a number of petitions, but I will just summarize them.

#### PUBLIC SECTOR PENSION PLANS

**Mr Pope:** I have received a petition signed by 146 different constituents of mine with respect to

the pension plan of the employees of the government of Ontario.

#### DRUG BENEFITS

**Mr Pope:** I have also received a petition to keep the drug list for the elderly and the poor the same as it is at present and not to make any changes.

#### TAXATION

**Mr Pope:** I have also received a petition, from Nancy Wasilik of Iroquois Falls, with respect to a tax on music and dance lessons.

#### FRENCH-LANGUAGE SERVICES

**Mr Pope:** I have received a petition with respect to Bill 8.

#### NATURAL GAS PRICING

**Mr Pope:** I have also received a petition with respect to Inter-City Gas and retroactive increases on the gas rates.

#### SOUTH CENTENNIAL MANOR

**Mr Pope:** I have received a further petition, on the deterioration of services at the South Centennial Manor in Iroquois Falls.

I would like to file all of these petitions on behalf of my constituents.

#### TEACHERS' SUPERANNUATION

**Mr Cousens:** I have a petition from residents of my riding as well as Newmarket, Richmond Hill, North York and Scarborough.

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have signed this.

#### WASTE MANAGEMENT

**Mr Beer:** I have a petition signed by some 30 persons, and it reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the Municipality of Metropolitan Toronto intends to expropriate or otherwise acquire title to over 100 acres of lands in the midst of the growing community of the town of Vaughan for the purposes of mining clay as part of a waste management system for continuing operations at the Keele Valley Landfill Site; and

"Whereas the Minister of the Environment has by order in council exempted this undertaking from provincial review under the Environmental Assessment Act against the wishes of the residents and businesses in the town of Vaughan; and

"Whereas the Minister of the Environment is aware of grave concerns about Metro's true intentions for its acquisition of legal ownership of lands in the town of Vaughan; and the potential health and environmental effects of clay mining on these lands; and

"Whereas the Ministry of the Environment has refused or neglected to deal with the concerns of the businesses and residents of the town of Vaughan respecting Metro's existing and proposed clay mining for the continuation or expansion of waste dumping in the town of Vaughan.

"We petition the Ontario Legislature to call on the government to provide funding through cabinet order for those residents and businesses wishing to call evidence before the administrative board considering these matters and to have the Ministry of the Environment subject Metro's plans to an environmental assessment."

I have signed it.

**The Speaker:** It might be the appropriate time to remind members that it is certainly within order to present petitions. It is not necessary to quote all the whereases; we like to have the thefores.

#### FRENCH-LANGUAGE SERVICES

**Mr MacDonald:** I have a petition with a total of 618 names addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario. I am presenting this petition today on behalf of the constituents in my riding and neighbouring ridings. This petition applies to the French Language Services Act and I have affixed my signature.

#### CHRONIC CARE

**Mr D. S. Cooke:** I have a petition to present. There will be a number of my colleagues

reinforcing this, hoping that maybe the Liberal government will hear this today.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas, chronic care patients, staff, doctors and families of patients have had to endure totally inadequate chronic care facilities at Windsor's ageing and overcrowded Riverview chronic care hospital for many years, and

"Whereas the Liberal government of Ontario promised to build a new chronic care hospital in Windsor during the May 1985 election campaign, reaffirmed in 1986 by the then Minister of Health, Murray Elston, and promised once again in the 1987 election, and

"Whereas the people of Windsor have accepted the promises of the Liberal government at face value and successfully raised more than \$11 million towards the construction of a new hospital; and

"Whereas after four years of unacceptable delay the Minister of Health, Elinor Caplan, and the Liberal government are now withholding approval while putting the whole project up for review;

"We demand the government of Ontario fulfil its promise to build a new chronic care hospital in Windsor and give final approval soon, allocate the funding and begin construction."

This segment of the petition is signed by several hundred residents and there are several thousand more to come.

#### NATUROPATHY

**Mrs E. J. Smith:** I have here a petition signed by 100 citizens of Ontario, 20 of whom reside in London in one riding or another, stating:

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

#### CHRONIC CARE

**Mr Philip:** I have a petition signed by hundreds of people, mostly resident in Windsor, who are upset that the Liberal government is breaking yet another promise. It is addressed to the Honourable the Lieutenant Governor and members of the Legislative Assembly of Ontario.

"We the undersigned beg leave to petition the Parliament of Ontario as follows:

"Whereas the chronic care patients, staff, doctors and families of patients have had to endure totally inadequate chronic care facilities in Windsor's ageing and overcrowded Riverview chronic care hospital for many years; and,

"Whereas the Liberal government of Ontario promised to build a new chronic care hospital in Windsor during the May 1985 election campaign, reaffirmed in 1986 by the then Minister of Health, Murray Elston, and promised once again during the 1987 election; and,

"Whereas the people of Windsor had accepted the promises of the Liberal government at face value and successfully raised more than \$11 million towards the construction of a new hospital; and,

"Whereas after four years of unacceptable delay the Minister of Health, Elinor Caplan and the Liberal government are now withholding approval while putting the whole project up for review, we demand, Mr Speaker, that the government of Ontario fulfil its promise to build a new chronic care hospital in Windsor, give final approval soon and allocate the funding and begin the construction."

**Mr Laughren:** I have a petition, mostly from the people in Windsor.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We the undersigned beg leave to petition the Parliament of Ontario as follows:

"Whereas the chronic care patients, staff, doctors and families of patients have had to endure totally inadequate chronic care facilities in Windsor's ageing and overcrowded Riverview chronic care hospital for many years; and,

"Whereas the Liberal government of Ontario promised to build a new chronic care hospital in Windsor during the May 1985 election campaign, reaffirmed by the then Minister of Health, Murray Elston, and promised once again during the 1987 election; and,

"Whereas the people of Windsor have accepted the promise of the Liberal government at face value and successfully raised more than \$11 million towards the construction of a new hospital; and,

"Whereas after four years of unacceptable delay the Minister of Health, Elinor Caplan and the Liberal government are now withholding approval while putting the whole project up for review, we demand that the government of Ontario fulfil its promise to build a new chronic care hospital in Windsor, give final approval soon and allocate the funding and begin construction."

Mr Speaker, I have attached my signature to the petition, as well.

**Ms Bryden:** I have 17 petitions with 168 names, mainly from the Windsor area, expressing anger at the failure of the Liberal government to keep its promise regarding a chronic care hospital in Windsor.

The petition is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario and says:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the chronic care patients, staff, doctors and families of patients have had to endure totally inadequate chronic care facilities at Windsor's ageing and overcrowded Riverview chronic care hospital for many years; and,

"Whereas the Liberal government of Ontario promised to build a new chronic care hospital in Windsor during the May 1985 election campaign, reaffirmed in 1986 by the then Minister of Health, Murray Elston, and promised once again during the 1987 election; and,

"Whereas the people of Windsor have accepted the promises of the Liberal government at face value and successfully raised more than \$11 million towards the construction of a new hospital; and,

"Whereas after four years of unacceptable delay the Minister of Health, Elinor Caplan and the Liberal government are now withholding approval while putting the whole project up for review, we demand that the government of Ontario fulfil its promise to build a new chronic care hospital in Windsor, to give final approval soon, allocate the funding and begin construction."

Mr Speaker, I have signed my name to this petition and support it.

I have signed my name to this petition and support it.

**1510**

**Mr Mackenzie:** I have a petition here to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas chronic care patients, staff, doctors and families of patients have had to endure totally inadequate chronic care facilities at Windsor's ageing and overcrowded Riverview chronic care hospital for many years, and

"Whereas the Liberal government of Ontario promised to build a new chronic care hospital in Windsor during the May 1985 election campaign, reaffirmed in 1986 by the then Minister of



Health, Murray Elston, and promised once again during the 1987 election, and

"Whereas the people of Windsor have accepted the promises of the Liberal government at face value and successfully raised more than \$11 million towards the construction of a new hospital; and

"Whereas, after four years of unacceptable delay, the Minister of Health, Elinor Caplan, and the Liberal government are now withholding approval while putting the whole project up for review,

"We demand that the government of Ontario fulfil its promise and build a new chronic care hospital in Windsor, give final approval soon, allocate the funding and begin construction."

I have 25 pages with 250 signatures on them. My signature is attached.

#### SALE OF CIGARETTES TO MINORS

**Mr Allen:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas tobacco is addictive and harmful and is the leading preventable cause of disease and death in Canada today; and

"Whereas the maximum fine of \$50 for selling tobacco to minors has not been increased since 1892; and

"Whereas preventing young people from starting to smoke will have tremendous health benefits because there is little onset of smoking by adults,

"The undersigned call for new laws to stop tobacco sales to minors including (a) greatly increased fines, (b) a ban on vending machines accessible to minors and (c) the revocation of a tobacco licence for retailers who sell tobacco to minors."

This is signed by a number of persons in the Ottawa region and I have signed it on my own behalf.

#### CHRONIC CARE

**Mr Reville:** I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas chronic care patients, staff, doctors and families of patients have had to endure totally inadequate chronic care facilities at Windsor's ageing and overcrowded Riverview chronic care hospital for many years, and

"Whereas the Liberal government of Ontario promised to build a new chronic care hospital in Windsor during the May 1985 election campaign, reaffirmed in 1986 by the then Minister of Health, Murray Elston, and promised once again during the 1987 election, and

"Whereas the people of Windsor have accepted the promises of the Liberal government at face value and successfully raised more than \$11 million towards the construction of a new hospital, and

"Whereas, after four years of unacceptable delay, the Minister of Health, Elinor Caplan, and the Liberal government are now withholding approval while putting the whole project up for review,

"We demand that the government of Ontario fulfil its promise to build a new chronic care hospital in Windsor, give final approval soon, allocate the funding and begin construction."

This petition is signed by 260 residents of Windsor and I have signed it as well.

**Mr D. S. Cooke:** I shall table the balance of the petitions, and the petition is worded as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas chronic care patients, staff, doctors and families of patients have had to endure totally inadequate chronic care facilities at Windsor's ageing and overcrowded Riverview chronic care hospital for many years, and

"Whereas the Liberal government of Ontario promised to build a new chronic care hospital in Windsor during the 1985 election campaign, reaffirmed in 1986 by the then Minister of Health, Murray Elston, and promised again during the 1987 election, and

"Whereas the people of Windsor have accepted the promises of the Liberal government at face value and successfully raised more than \$11 million towards the construction of a new hospital, and

"Whereas, after four years of unacceptable delay the Minister of Health, Elinor Caplan, and the Liberal government are now withholding approval while putting the whole project up for review,

"We demand the government of Ontario fulfil its promise to build a new chronic care hospital in Windsor, give final approval soon, allocate the funding and begin construction."

Along with the other petitions that have been tabled, the balance brings the total to over 13,000 names.

**The Speaker:** I might just again remind the members of standing order 31. When presenting petitions, it is not necessary to read all the whereases and the reasons for the petition. However, it is certainly within order to place the demands as worded in the petitions.

### ORDERS OF THE DAY

#### WORKERS' COMPENSATION AMENDMENT ACT, 1989

#### LOI DE 1989 MODIFIANT LA LOI SUR LES ACCIDENTS DU TRAVAIL

Mr Sorbara moved third reading of Bill 162, An Act to amend the Workers' Compensation Act.

**Mr Mackenzie:** I would like to make a few comments on Bill 162. I would like to start, if I can—it will probably be about 10 minutes altogether—by reading into the record a letter that was sent to the Premier (Mr Peterson) concerning Bill 162 that I think deals with the principle of this bill we are passing.

"Local 1005, United Steelworkers of America, which represents 7,300 members, strongly opposes the Liberal government and the implementation of legislation under Bill 162. The Ministry of Labour, in introducing this bill, has clearly introduced a bill which does nothing for injured workers receiving benefits previous to the legislation and yet severely reduces the amount of benefit rights for injured workers after the bill is passed. We clearly see this as a discriminatory piece of legislation which will have a significant impact on reducing the cost of compensation in Ontario for employers. This legislation, if passed, changes the whole philosophy and intent as introduced in 1914, when the Worker's Compensation Act was first regulated and again, we emphasize the fact that the original intent was to compensate workers for injury and to reduce the litigation for benefits due to injury. Yet today, after 75 years of struggle, the system now has turned to a 'Cheap, no-fault insurance system for employers' which hides behind the policies of the Workers' Compensation Board and the legislative amendments presently being hailed as 'reform' by your Minister of Labour, Mr Greg Sorbara.

"It is clear from this so-called 'reform' that the minister's only concern is that of reducing the 'unfunded liability', which presently is estimated to be close to, if not above, \$7 billion. If the minister is sincere about reducing this liability, then the onus should be placed where it belongs, back on the shoulders of the employers, who are

content in paying low premiums for compensation and do nothing in a positive direction to clean up the workplace and reduce the frequency and severity of accidents workers suffer while working for these employers. It is clear, through the introduction of this legislation, that the minister is concentrating and focusing the amendments to the two areas which are most costly in regards to compensation costs felt by employers when paying their premiums, those being first, the pension rating as covered under section 45 of the act and second, the rehabilitation due to injury.

"It is our position, as the executive of local 1005, USWA, for which we have total membership endorsement, that Bill 162 be withdrawn and that the government listen and pay attention to the concerns as raised by labour, injured workers and injured workers' organizations in regard to adopting positive reform in the area of workers' compensation, as opposed to that of the minister, mainly listening and acting on those concerns as raised by employers. We ask the question: What happened to the concerns voiced during the 1985 hearings which were then in place under the amendments proposed through Bill 101?

"It is clear that the Minister of Labour is arrogant in the intent of this legislation, that at the time of the introduction of this Bill 162 he tried to take away, through his amendments, the most fought after and successful change through the hearings of Bill 101, and that was the independent appeal to the Workers' Compensation Appeals Tribunal. Yet due to the public outcry of that issue, the minister withdrew that intent of his bill and restored the intent of the right to appeal within WCAT.

#### 1520

"We call upon you, Mr Peterson, as the Premier of this province to take the appropriate action; that is, to have Bill 162 withdrawn from the floor of the Legislature and address the real reforms for compensation in the province based on the views and concerns of those who either deal with the system or by those presently being compensated by the system that is being administered today within our province by the WCB.

"In support of the above comments, we will also remind you of the fact that this is not only the concern of labour, injured workers and injured workers' organizations; as well, the Hamilton city council, through the area social services committee for the Hamilton-Wentworth municipality, also adopted and passed a resolution



calling for the withdrawal of Bill 162 as it is presently written.

"On behalf of the 7,300 members of Local 1005 USWA and all those concerned regarding this important issue."

It is signed by—they wanted it on the record—John Martin, Ron Fleet, Tom White, Allan Hodder, Bob Sutton, Bob Smith, George Beat-tie, Ed Sutherland, Terry Weaymouth, Peter Zafirides and John Balloch. That is the entire executive of Local 1005.

I thought it was worth while putting that out on the record publicly. I know it has gone to the Premier and I know that the Minister of Labour, if he ever read it, got a copy of it as well.

It says clearly what has been a major debate in Local 1005 for some time now and a major discussion among the workers. I doubt if there is a local in Canada that has a more sophisticated and active compensation committee than Local 1005. I would love to have the minister go through the handful of people we know are Liberal supporters in that local—one of them is a signatory to this letter—and tell me which one of the Liberal members of that local supports his bill. Obviously, one of them, very active in his party and who is a member of that executive and signed that letter, does not think much of Bill 162.

I might point out that it was not just the Hamilton city council. As a matter of fact, for the record, to the best of my knowledge, we have two New Democrats on it, so most of them are Liberals—some of them very active—and Tories. That city council opposed this bill, as did Windsor and Welland. So we had, probably not moving soon enough, a fair response from individual municipalities, as we did from the trade union movement collectively, individually and in very strong statements such as that of Local 1005, as we did from injured workers, injured workers' organizations and community clinics, legal aid clinics and many other groups that represent workers in Ontario.

This bill we are seeing rammed through here today, the final day of a closure motion, does not guarantee rehabilitation, training and rehousing; an assessment, maybe, but nothing beyond that. It gives even more power to the board. It has a bad dual award system, the meat chart survives—it goes on and on. I do not intend to reargue the points that have been made in the many months of hearings on this bill before the committee and in this Legislature, but it is clear that this bill does not do justice to injured workers.

If anything good—and that is a hard word to say—has come out of this bill at all, it is probably that the unions have started to understand it already. I know that injured workers understand it. They have learned a very bitter lesson. The bitter lesson they have learned is that it does not matter, it does not pay, it is useless to present their arguments, their feelings, their concerns, however just those concerns might be, to this government.

This government, when it comes to workers, simply does not listen. This government obviously was in the hip pocket of business, so far in that it is a wonder it did not choke. Business called the shots on this particular legislation. Some business groups—not all of them—were the only groups that supported this legislation, they and the Minister of Labour himself. The day is going to come when the minister will have to answer for the position he has taken.

This bill does nothing to help injured workers. It hurts them. Their organizations, the unions, the clinics, any of those involved in work with injured workers, know they are going to pay a price for Bill 162. Of course we probably have the companies rubbing their hands in glee. They have won another battle with workers.

I would hope that out of all of this we will find a little more, dare I say, honesty in terms of whom the commitment is to. The commitment of the Minister of Labour (Mr Sorbara) is obvious: for business. I wish he would be honest about it.

We heard the Minister of Industry, Trade and Technology (Mr Kwinter) say the other day that he made no apologies, he was in this House as an elected Liberal and as a cabinet minister to represent and push the interests of business. Who in blazes in this government pushes the interests of workers? It sure as heck is not the Minister of Labour in Ontario.

We have also heard in this debate a number of statements which were totally false. People can say what they want, but I think that lowers the credibility of this chamber generally. We had the argument made that there had been wide consultation. Those arguments were not true and we know that, and the workers know that.

**Mr J. B. Nixon:** Oh, Bob.

**Mr Mackenzie:** The parliamentary assistant, who has probably blown his shot at the cabinet, can say "Oh, Bob" all he wants. The fact is that there was no consultation with the groups involved, no consultation with the injured workers. To the Liberals it is a big joke.

**Mr J. B. Nixon:** You're the one who's making the jokes. That's the problem.



**Mr Mackenzie:** It is a big joke. Let me tell the member that there are an awful lot of workers, some of them in this chamber, who do not think it is a big joke.

**The Deputy Speaker:** Order, please.

**Mr Mackenzie:** The other thing that I think is worth putting on record is that not only were there false statements made, misconceptions of this legislation and what this legislation does or does not do, but on top of that, I think we can move from injured workers and ask: What has this legislation done as far as the trade union movement is concerned?

The minister is well aware. He has had his own confrontations with leadership and individuals, as has the Premier. He knows well that the trade union movement in this province knows, yes, that that is what it is all about, the money that business had but workers did not. That is exactly what it is all about.

The unions have also learned a bitter lesson. The bitter lesson the unions have learned is that their word also does not matter. At the same time as we have been having this hassle over Bill 162, we have suggested—our party has suggested, the labour movement has suggested—that we present to this House and that we start moving on Bill 208 in an effort to do some of the repair work, the correction work, the safety work that would maybe mean we would not have quite so many workers paying the price in the workplace today; that we would not have, as I think the Ontario Federation of Labour so aptly says, the slaughter in the workplace that we are paying a price for today.

And have we been able to get them to move ahead on Bill 208? No. Maybe we will see it in the fall, if we see it at all. I hope the minister has some gumption. He needs to do something tremendous to return any credibility at all to himself after the sellout of workers in this particular piece of legislation.

I think the unions have learned the same lesson. They came before this minister. They sent small groups, they sent the leadership, they appeared at press conferences, they appeared with petitions, thousands of names, and they got no place. Their suggestions and appeals to take a look at what this bill was going to do to injured workers meant absolutely nothing to this Liberal government. We have learned one bitter lesson, not only the workers and not only the unions. The bitter lesson we have learned is that this is a government that listens to business, but it sure as blazes does not listen to ordinary workers in Ontario.

I think we can say the same thing about some of the legal aid clinics that have worked so hard with workers. They are absolutely disgusted, because their expertise, like the injured workers' and the unions' expertise, has been used to try to break through some of the bureaucracy that sometimes gives us problems, or to deal with some new areas, the emerging concern over toxic substances and what has happened, and the material that I think will be coming out very shortly in terms of some of the gold miners' widows, what really happened, why we got the kind of results we did and why so few of them are being compensated now.

I can tell the minister that these people, these groups which have fought so hard in so many of these battles, some of which are just beginning to start, also know they got absolutely nowhere dealing with this government.

We have to understand, we have to remember. I am darned sure there are a lot of people in the province who are going to remember that what you do not do, what you never do again when it comes to legislation or hoped-for legislation to protect workers in the province, is that you do not trust a Liberal. That is the message that is out there. This government has done it; nobody else. Their word is not worth the paper it is written on.

It is a tragedy today that this is the final day, when so many people were not heard, when so many people oppose it, when we can get almost nobody other than the Minister of Labour to jump up and say, "Hey, this is a good idea." We are not even hearing the business community, which of course wants it, saying too much. They are afraid to go on the record; they know what it might mean in their own individual plants and operations.

**1530**

Yet, on this final day, we are with no chance to do anything about it—not that we wanted to—and I make no apologies for that, because the bill was not worth changing. When one can do absolutely nothing about it and one has set aside three days in a closure motion, at a time when we have people in a number of countries desperately trying to find a little bit of additional democracy or right of expression, I find it really passing strange that we have this Liberal government in Ontario using closure and deciding that it is going to restrict the rights that ordinary people have in the province. I guess a better word than "strange" would be "sad."

I certainly have lost all respect for members and ministers of this government and their policies, but that does not count. I suspect,

however, that an awful lot of people in this country of ours also have lost respect and that will count, if they remember. That is something we never know for sure, but I think this is going to come back to haunt the minister and the government and I pray that it does.

**Mr Pope:** I will be summing up for the Progressive Conservative Party in this debate. For the leader of Her Majesty's loyal opposition and the minister, I will be speaking until 4 o'clock and I gather there is a 45-minute time allocation after that. On behalf of my leader and my caucus, I wanted to put on the record the positions that our party has taken with respect to this legislation and to indicate, of course, as I did in French last Thursday, that the position of our caucus and our party is one in opposition to Bill 162.

When the debate first started with the introduction of this bill in response to our questions and questions raised in question period, the Minister of Labour indicated that there had been full and extensive consultations leading up to the introduction of this bill. When, as a condition of how our party would vote on second reading, we asked for a list of dates and places of these meetings and of those in attendance, what we got led us to believe that in fact there had not been full and complete discussions, negotiations and consultations leading up to the introduction of Bill 162.

All that came out in the wash and we were then told that it really did not matter, because there would be a chance for a full hearing and for everyone to be heard in the committee hearings that would take place across the province. As we now know, the Liberal caucus and members on that committee were not prepared to allow for everyone to be heard with respect to Bill 162. Out of 622 people who asked to make representations to the committee, I am told 300 were heard. At that point in time, all other delegations were not heard.

Then we heard in clause-by-clause debate the words of the parliamentary assistant to the Minister of Labour, saying that a more extensive debate could take place in committee of the whole House. Those were her exact words, as quoted by the member for Mississauga South (Mrs Marland) on behalf of our party.

Using the excuse that there would be a fuller, more detailed debate opportunity in committee of the whole House, they of course closed off debate on clause by clause in the standing committee on resources development itself, so this was moved to the House. Then we had a time

allocation motion from the Liberal government, which closed off the very thing the parliamentary assistant to the Minister of Labour had promised, which was extensive clause-by-clause debate of this legislation in committee of the whole House. We now have a time allocation clause which will bind us on third reading of this bill.

We started from the position taken by the Minister of Labour that there had been full and complete negotiation and consultation prior to the introduction of this bill and went to a step-by-step denial of opportunity for individuals, groups and even members of this House to participate in the full and open debate on Bill 162.

So lest anyone watching this debate on television or reading reports of it think this is a normal windup of a normal debate on a normal piece of government legislation, it is nothing of the kind. In fact, it is the culmination of a total process, from the very beginning of the introduction of this bill, that has frustrated the rights of the people of this province and the members of this assembly to fully participate and give their points of view on this matter.

As I have said previously, my own experience of six years in cabinet and 12 years as an elected member of this House leads me to believe that in matters involving workers' compensation, care needs to be taken to indulge in a full, complete and comprehensive series of negotiations and discussions before moving in a manner which could be perceived to be capriciously and arbitrarily affecting injured workers' rights in this province.

I remember—and I was asking some of the gallery members who have better memories of this than I have—that the white paper dated 1981 that was considered by the government of the day, which I was a part of in 1983, was withdrawn when after its presentation, the process leading to legislation was put on hold. The white paper was withdrawn for further consultation as a result of the objections of injured workers' representatives, labour groups and the general public. That was back in 1983.

I remember full discussions about the response to the Weiler report and to other studies that had been done over the years between 1979 and 1985 when I had the honour to be part of the cabinet of the day. There was full discussion about the reactions, the need to take time and the need to go back to try again to get some consensus for reforms that were needed in the workers' compensation system.



There is no doubt that this problem of change, reform and improvements to the workers' compensation system is not uniquely a problem for the current Liberal government; other governments have had to face it. I guess the only thing I can say is that from my recollection, it is a process that the Minister of Labour has to take particular time, attention and concern for in order to make sure that the perception is that it is not being rammed down anyone's throat and that there has been an opportunity for everyone to have a say.

I know that sometimes that is not done because of legislative timetables and a need to move on reform packages. However legitimate the personal convictions of the minister may be—and I am not going to sit here and judge those convictions today—when the perception is out there that there has not been ample opportunity, that it is being proceeded with unjustly and unfairly, then it simply must be withdrawn and we have to go through the process again.

I can remember from my own experience, and it is only one, something called strategic land use planning, which was begun six years before when I was Minister of Natural Resources. It was, in the words of the bureaucrats in the Ministry of Natural Resources, an extensive consultation process. When we reviewed the process, we were doubtful, so we had a series of 186 open houses in every part of the province in which the local plans were put out for public comment to various interest groups that could be affected: resource users and those who enjoy the environment and the natural beauty of our province.

We had over 10,000 people who came to those 186 open houses. We then understood that there really had not been the kind of consultation and fair opportunity for everyone affected by this plan to be heard. So we had five regional forums in different parts of Ontario which I attended alone as minister of the day, without staff, without someone there to justify what had been done, to listen to what they had to do. We had 5,000 people out to these public forums in virtually every part of Ontario.

After that, we met directly with the individual interest groups which had spoken out at these meetings and had something to add to the process. I met with them directly, individually and personally, plus we had administrative staff meet with them to review their concerns with the draft strategic land use plans. After that, we had all the competing interest groups in two days at the Guild Inn in Scarborough for two days of

intensive discussion and negotiation on the details of strategic land use planning in Ontario.

#### 1540

The result was a comprehensive package that took over a year to negotiate with those who had a particular interest in this issue in Ontario, and, I think, had a better, more acceptable proposal. Not everyone was satisfied with the detail, but there was a general point of view that through a variety of mechanisms, people had had their say.

I am not saying that is the be-all and end-all in terms of process. I am not here to say that the new policy branch in the Ministry of Labour, which we spent so much money on and which has bumped up the administrative expenses of that ministry—they have other processes that may in fact work and resolve the concerns of the public. Maybe they do have the answers in a new, better process of getting the public and injured workers' representatives and groups involved in discussions on this legislation, but my perception is that it has not been done.

My perception, and it is a perception shared by those groups and those injured workers, is that that kind of detailed discussion with the minister has not taken place. There has not been a discussion with employer groups about the tradeoffs and concerns on both sides with respect to how this new, revamped Workers' Compensation Board will operate. My perception is all that I can operate on because I have received nothing from the Minister of Labour to show me that that kind of process has taken place. I assume that is the reason today that representatives of injured workers and many groups in this province were demonstrating outside this Legislative Building.

There is another thing I wanted to bring to the minister's attention. I know that he is a busy person. I know that he has a full plate of problems facing him in the Ministry of Labour that he is attempting to address. I remember the days of Bette Stephenson, Russ Ramsay and Bob Elgie. When there was a demonstration outside this building with respect to workers' compensation, with respect to labour issues, I cannot recall a time—and I may be wrong—when the Minister of Labour did not go out and address them.

I recall that some days people were very frustrated with Bette Stephenson and a couple of us used to go out and make sure that she was protected; not that she had to be, but she was a short lady, about five feet, two inches at the most, in a big crowd.

**Mr Chiarelli:** She could look after herself.

**Mr Pope:** As my friend said, I think she could look after herself, but we used to go out anyway.



She always went out there and met with the groups. Often they would yell at her and criticize her, but she was there, Bob Elgie was there and Russ Ramsay was there.

I think the Minister of Labour of the day should have been there to talk to the workers, to address them through the PA system and talk to them individually as they were parading around with the signs that indicated their concerns about this bill, demanding that it be withdrawn.

I think he should have been there to listen. I am sure that he has done this in his constituency office and I am sure he has done this on other occasions, but I think that he should have been there, outside on this very symbolic day when we are ending the debate on Bill 162, not having given over 50 per cent of the workers' representatives and groups in this province a chance to be heard in committee, not having given the members of the opposition a full chance to submit their points of view on this legislation.

I think he should have been there to listen to the workers and what they had to say about this legislation. I was there for 45 minutes and I did not see the minister there. We know that—

**Mr Dietsch:** You weren't there.

**Mr Pope:** If the member is saying that the minister was there, he can rise and correct me right now. I will yield the floor to him. Does he want to correct the record? Go ahead.

**Mr Dietsch:** I said you weren't there.

**Mr Pope:** My friend says I was not there. In fact, I was there from 11:50 to 12:35 or 12:40. I think that is true.

**Mr Dietsch:** Did I miss that?

**Mr Pope:** The member must have missed it, either that or he was still in his office. The demonstration took place and I was there when the leader of Her Majesty's loyal opposition addressed the workers. I said a few words and I talked to individual workers out there who have very specific problems with the existing system, who feel the need for reform and change but who do not think that Bill 162 meets their needs and is reforming the bill in the proper way. Therefore, it should be withdrawn.

I wish the member who was interjecting had taken the time to talk to them and get that flavour himself. Then maybe in the Liberal caucus he could have addressed the Minister of Labour on this issue.

We know that there are fundamental problems in the workers' compensation system in this province that have to be addressed. The minister knows of the unfunded liability. The 1988 annual

report of the Workers' Compensation Board indicates a continuing unfunded liability problem that will probably exceed in the last financial year \$8 billion. He knows that the overall size of actuarial liabilities is \$11.7 billion, according to page 21 of the financial report contained in the annual report of the Workers' Compensation Board.

The minister has said that these proposals in Bill 162 are revenue-neutral. "Revenue-neutral" were the words that I think he used in describing the provisions of this bill. However, we know—and I say to the minister, I assume the process has not changed—that when new legislative initiatives and new policies are considered in the policy and priorities board of cabinet an economic impact statement must be provided.

What we asked on second reading on behalf of our party was the tabling of that economic impact statement so that we could review it on the basis of the unfunded liability issue, which we think is one of grave concern to everyone, not only contributors to the workers' compensation system but workers whose pensions and decisions affecting whose pensions could be in turn affected by the unfunded liability. We would not want that to happen.

The minister said it is revenue-neutral. The minister has not produced the economic impact statements that he produced for the members of cabinet to allow us to review the economic impact of this legislation. Then we find, on page 30 of the 1988 annual report of the Workers' Compensation Board, the following statement, "No provision has been made in the valuation for potential amendments to the Workers' Compensation Act contained in Bill 162, which is currently before the Ontario Legislature."

Why would that sentence be in there if the impact of Bill 162 is revenue-neutral? Why would there be that kind of disclaimer in terms of the economic situation of the Workers' Compensation Board contained in the annual report of the board itself if it is revenue-neutral? Are the amendments that the minister has proposed revenue-neutral? We have had no clear statement from the minister on that either.

As the member for Mississauga South indicated in committee, we know that the problem facing all Ontarians and this government is the frequency and severity of workplace accidents. In 1987, there were over 300 occupational fatalities in Ontario, that is, deaths arising out of occupational illness and injuries, and 209,255 allowed lost-time claims at the Workers' Compensation Board, yet only 13,496 injured work-

ers were referred for vocational rehabilitation in all of that year.

We have been saying all along, in consideration of Bill 162, that we are not satisfied with the rehabilitation programs as they now are. We agree with the minister that they have to be changed and improved and we agree that every worker has the right to rehabilitation in Ontario when injured or ill because of a workplace occurrence or situation.

What we want from the minister in Bill 162 is not a guarantee of an assessment but a guarantee of a rehabilitation program. We do not want a guarantee that the local rehab officer of the Workers' Compensation Board will file a report with the regional office in Sudbury and, at some point in time, that report will be forwarded to Toronto and any recommendations of the local rehab officer will be considered, which is the way the process is working now, at least in Timmins.

We want a statutory guarantee that injured workers will be rehabilitated, that they will be able to obtain vocational and physical rehabilitation, that there will be a statutory commitment which can be relied upon by injured workers that they will be put back in the workforce on a rehabilitated basis, not on the basis of a job guarantee but on the basis of a job guarantee plus a full rehabilitation program which will assist them in making their way in the Ontario of today when they have suffered a setback because of a workplace injury or illness.

#### 1550

In Bill 162 as it is presently going to be rammed through today, we do not see that kind of guarantee that working men and women of this province deserve. We plead with the minister now, at this 11th hour, as this debate is forcibly brought to an end, to provide a statutory guarantee of a rehabilitation program, physical and vocational, for every injured worker in this province.

Very often in the constituency work I do, assessments are done. Too often those assessments talk about self-imposed limits when in fact the injured worker is following the advice of the family physician who is treating him. Too often we see recommendations from local rehabilitation officers for programs of rehabilitation for injured workers that are ignored in Sudbury and in Toronto by those higher up in the rehabilitation section, the vocational retraining section of the workers' compensation program. Too often we see rehabilitation programs that are absolutely unsuited and in fact are often ludicrous.

I remember a rehabilitation recommendation that asked for a man who had an injured back as a result of a mining accident and an injured foot and leg to be sent from Ramore to Wawa to work in a canoe factory. He was expected to report to work in Wawa at the canoe factory and pay for his own living expenses while he lived in Wawa and his family stayed in Ramore. Too often in northern Ontario and many other parts of Ontario, and perhaps even in this great community, that is the kind of rehabilitation recommendation that is acted upon.

I remember just four months ago an injured worker who had a lung disease, a lung problem, going to the vocational rehabilitation officer in Timmins, who made a recommendation that this worker be taken back for surface work at his full pre-accident, pre-medical-problem wages with no wage loss. That recommendation was overruled in Toronto. They said, yes, the man had a lung condition, he had a disease arising out of his workplace, but he was not disabled enough to merit a rehabilitation program. In the meantime, the employer said, "You can't come back, because we don't want to take a chance of you developing silicosis in this mine." It was not until a threat of a lawsuit that the employer and the local rehabilitation officer and the superiors in Toronto got together and the man was rehired on a surface job at his full pre-accident rate and was not red-circled.

Every injured worker has a right to be employed in this province. They also have the right to be rehabilitated to the degree that they and those whose opinions they depend upon recommend.

The really important issue in this bill, the real weakness in this bill, as the Leader of the Opposition dealt with in the French language last Thursday, is precisely the rehabilitation provisions, which are totally inadequate.

The minister knows full well the difference between a guarantee of an assessment and a guarantee of rehabilitation. There is no point in him standing up here today and trying to say that there is guaranteed rehabilitation in this bill, because there is no such thing. There is a guaranteed two-page report signed by a local rehabilitation officer and that is it.

The minister may feel that there are improvements to the pension provisions, and to some extent he may be right, but the feeling of injured workers and their families and those who advise them and those whose opinions they trust is that in fact they are giving up their lifetime pensions, and their pension provisions, in whole or in part,



will depend on the future whim of the Workers' Compensation Board.

We need a clear legislative statement, by amendment if necessary, by this minister in the 11th hour as a repentance for what he has done in Bill 162. We need a clear indication that the lifetime pensions these workers deserve, arising out of these accidents and workplace conditions, will be maintained.

Those are the two fundamental points our party has spoken on. We believe that the process of this Minister of Labour was flawed in terms of his personal involvement in this bill. We believe the consideration of this bill when it was introduced and its process through various committee stages and back in third reading today was flawed, shortsighted and undemocratic, because so many people, including members of this Legislature, were denied their opportunity to be heard.

We believe it puts the final nail in the reputation of this government as a reform government, a government that is prepared to listen and be open. That is over now. We know that it is prepared on this very important legislation to proceed without consultation and capriciously and against the interests of the people it is hoping to serve.

We know this bill is not the kind of reform of the workers' compensation system we need. Everyone has concerns that more and more money is going to the administration of the workers' compensation system and not enough of that money is being diverted to pay pensions and benefits to injured workers in this province. There are too many bureaucrats analysing each other's actions in the workers' compensation system and not enough of them analysing the needs of injured workers in this province.

There are too many people writing reports about what WCAT is doing to the board and what the board is doing to WCAT, and not enough people studying what the entire system is doing to workers and their families. There is too much legislation being introduced that benefits the status quo and the bureaucracy of the compensation system in this province and not enough being introduced for the injured workers of this province.

We want to see an end to this bureaucratic morass. We want to see an end to the mindless memos, studies and documentation that is going on between different levels. We want to see an end to files which represent the lives of working men and women in this province that are endlessly lost in transit.

We want to see more energy directed towards quick decision-making for injured workers and their families in Ontario and we want to see a real priority not on the system and not on the status quo of the system, but on the results of illness and accident arising from the workplace. That, we believe, is true reform, and if it takes a royal commission to direct the proper focus of attention on workers' compensation reform in Ontario, let's have it.

But please, in the interim, reform the bureaucracy and the paper system that is delaying so many critically important decisions for injured workers and their families. Please end the mindless confrontation between medical experts hired by the board and their outdated medical opinions and the medical experts who are actually working with injured workers in Ontario.

I ask the minister on his final day of consideration of Bill 162 to truly reform the system in the way he knows it has to be reformed. Bring in a proper piece of legislation, enter into the proper series of negotiations. Will the Minister of Labour please keep his mind and his attention and his entire focus on injured workers and their families and how they can be brought back to the workplace fully rehabilitated, fully prepared to contribute again to society, as they can do? We have confidence in the injured workers of this province that given that kind of opportunity, they can fulfil that promise that is still theirs. They can still make their commitment to our society, still make their contribution to our society.

**1600**

We ask the minister to please consider these pleas as third reading is upon us, make these changes and bring a better piece of legislation back before the members of the assembly. If he does that, if he allows us to have our say, members from all parties, I know he will get the degree of nonpartisan support and the degree of credit, I must say to the minister, that he will have been entitled to.

But today is a dark day. This is a bill that is being forced through the Legislature over the wishes of those being affected, with so many unanswered questions that are going to affect the injured workers and the people of Ontario.

Please withdraw this bill.

**Ms Bryden:** I have spoken to a great many injured workers and other persons in the labour force over the past year who feel very strongly that Bill 162 is a backward step for workers in this province. They feel it will deny them fair and



adequate compensation for injuries and illnesses arising out of the workplace.

Many of them have told the government in the public hearings and in petitions, about their anger at the thrust of this bill, which they say is against workers and for employers who want to reduce their compensation obligations to injured workers and their families.

Injured workers have also demonstrated in front of the Legislative Building on many occasions since this bill was introduced a year ago. Today there were over 300 of them there from various parts of the province, telling the government that the bill must be withdrawn and replaced by a fair workers' compensation act.

We in the New Democratic Party agree with them strongly. Never before has such a one-sided amendment to the Workers' Compensation Act been introduced in this House. The changes proposed in this bill expose the fact that this so-called Liberal government is nothing more than a puppet for the employers. The Minister of Labour is nothing more than a minister serving employers who wish to save money on their compensation obligations.

The shocking record in this province of deaths and illnesses arising out of the workplace highlights the fact that many employers are not establishing and maintaining adequate health and safety standards in their establishments. Their negligence is the cause of many of the deaths and illnesses occurring in the workplace. They must not be allowed to reduce their contributions to adequate compensation. They must not be allowed to reduce their incentive to produce a safe and healthy workplace.

Adequate compensation includes full medical compensation. It includes disability pensions and payments to the wives and children of workers who are killed on the job. It includes full indexation of disability pensions and survivors' benefits. It includes full rehabilitation of injured workers. It requires reinstatement by the employer in the job held by the injured worker or in a job suited to his abilities after the event. It requires retraining if no suitable job is available.

Injured workers do not ask to be injured, but they are entitled to the fullest compensation when they are unfortunate enough to be injured or to acquire an illness in the workplace. If these costs of full compensation are not completely covered by workers' compensation, employers are getting a cheap ride on their obligation to compensate injured workers and their families. Under the legislation the workers are required to give up the right to sue their employers, but they are getting

less in just and fair compensation as a quid pro quo.

The way this bill has been dealt with in the House illustrates the Liberal government's arrogance. It illustrates that it does not care about consultation with persons whose lives are seriously affected by a bill. It does not listen to deputations. It uses the guillotine of closure to cut off debate, and it adds a new dimension to closure by permitting any amendments to be introduced up to the day before the committee stage starts.

The motion also went on to say that all amendments not dealt with by the end of the third day would be deemed to have been moved and could be voted on without any debate at all. This is the most extreme form of closure which has ever been used in this House. It leaves a terrible precedent on the record books. If this can be done with one bill, it can be done with many. It can be done to cut off debate on amendments which may be very far-reaching. It can be done to take away human rights.

We must not allow this kind of closure to be used. We must not allow closure to be used at all, except in extreme circumstances, when it can be demonstrated to the Speaker that the rights of the minority as well as the rights of the majority have been respected. Only then, if there is proof of some sort of obstruction of the House that is preventing business continuing, may a closure motion be considered under our rules.

This time we have a closure motion which is called a time allocation motion. In my opinion, the two are the same thing. I know the Speaker has ruled this motion in order, but I feel it was not proved that there was any obstruction of the House, and I feel the time to deal with the amendments has been completely inadequate.

Some of the amendments were introduced before the closure motion came in but they had not been adequately debated, and a goodly number of other ones were introduced after the time allocation motion had been introduced. Some of them were correcting errors in the drafting, which indicated that the act had been hastily put together by the drafters. That is another reason why it was the wrong time to impose closure. Some of the amendments were perhaps improvements in the act, but it is much too early to say how they would work out or what the debate on them would reveal.

If this government wants to claim to be a democratic government in a democratic province, it must withdraw this bill and go back to the drawing board. It must bring in a fair workers'

compensation bill. It must allow it to be debated under the rules of a democratic Legislature, which recognizes the rights of all parties and members to express their views. This bill has not received this treatment and that is the reason why we must vote against it.

1610

**Mr B. Rae:** I hasten to say that I have made this speech and many of these arguments in the House before at earlier stages of the bill and make no apology; if anything had changed I might be in a position to make some new arguments. But I will have some new things to say about the change that has taken place at the heart of the Liberal Party since 1982, 1983 and 1984.

I am delighted that the Minister of Community and Social Services (Mr Sweeney) is in the House, because he was one of the members of the original committee which dealt with the Weiler report back in the early 1980s. He had some very interesting things to say about the need to preserve the concept of a pension for life. The minister no doubt will remember the things he said as a member of an earlier Liberal caucus, when the House was considering this particular set of reforms.

Before I come in some detail to those comments made by the Liberal caucus at that time, I do want to set the framework for this discussion, because it is a measure of enormous importance for the people of this province. About 500,000 people a year are in contact, in some way, shape or form, with the Workers' Compensation Board, in the sense that there is an accident report that goes to the board. Somewhere between 150,000 to 200,000 people receive benefits from the board for lost time because of accidents they have had. About 100,000 people on pension receive benefits from the Workers' Compensation Board. If I can add one particularly grim statistic to the facts I put before the House, it is that on every working day in Ontario, an injured worker loses his life.

This is the context that has led the reform of workers' compensation to hit the very forefront of our political life. But it is more than just numbers I have outlined for the House; it is also a question of the basic facts of life, which we all know. Perhaps I can outline them for members, just to remind them of what it is all about.

Working for a living in an industrial society is dangerous business. Looking at the history of industrial life in this province over the last 100 years, one will find some of the most moving accounts of what it means to work, and work hard, in many of our industries, and how

dangerous, dirty and unhealthy a lot of those jobs are.

We have made reforms slowly and always in response to political pressure, but members should consider for a moment the fact that 30 years ago we had workers in the asbestos industry working directly for good wages in factories, mills and mines around Ontario at jobs which literally took their lives. This is not something that took place 100 or 200 years ago. We do not have to read accounts of various industrial disputes in the heart of industrial England to understand these things. We simply have to look around us.

My colleague the member for Nickel Belt (Mr Laughren) will know that the smelter in Sudbury was literally a cancer factory. We now know that we—when I say “we,” I mean our industrial society and the company; in this case, Inco—subjected workers in that mill in the sintering plant to conditions, in terms of levels of exposure, which caused lung and throat cancer. The Workers' Compensation Board finally has recognized that that level of cancer is directly related to that work, to that industrial process.

My colleague the member for Cochrane South (Mr Pope), who has just finished speaking, will know from the meetings he has had with the women in Timmins that they have put together a most marvellous and moving campaign on behalf of themselves and their families in recognition of what happened to their husbands, who died suddenly because of an accident, because of a collapse of a mine, because of a fall of loose, because of an explosion in a mine; or else at age 45 or 50 they were told by their doctor they had lung cancer, silicosis, emphysema or some condition of the lung that we believe, they believe and increasingly, slowly, workers' compensation boards around North America are recognizing relate to their work.

We have—and I have read in this House and will read on another occasion—the reports from the construction industry every year. We can go over the list of the inquests that have been held each year. What is the pattern in the last couple of years? I can tell members what the pattern is. It is usually younger workers, it is usually immigrant workers and it is usually workers who are working on nonunionized sites in the construction trades around this province who are getting killed.

Again, I am not describing the conditions in some other country or in some other place; I am describing what is happening today. It is because of the fact that work is so dangerous for so many



people that an industrial society determined years ago that it was not acceptable to simply rely on the old system of common law justice, if you will, using that term "justice," or just a common law system. It determined long ago that it was not adequate, and every industrial society, whether it was the United States, Britain or Canada, underwent a similar reform.

That reform dealt with the reality that the legal system prior to the introduction of workers' compensation was a joke as far as workers were concerned, because you had incredible problems of proof and you had incredible problems of accident recognition. You had incredible defences that were available to employers.

The employer could say: "Well, it wasn't my fault. It was his fault." The employer could say, "Well, it wasn't my fault as an employer; it was the fault of a fellow worker," or he could say that the worker himself contributed to his own demise by his own activities. It was the conflict between these notions of how the law should work and the realities of industrial life which led to the introduction of workers' compensation around North America and Ontario.

I have said on other occasions, and I will say again today, that even though that legal system was bad and did not work to the workers' benefit—and nobody I know wants to go back in any way, shape or form to that system—it has to be recognized that in turning to workers' compensation, a no-fault universal disability plan for workers injured on the job only, workers gave up an important right, the right to sue. They gave up some civil rights. Whenever you give up something and get something in return, that is called a contract. We do not call this an individual contract; we call this a social contract, a contract between workers generally and society.

Workers have given up a lot. They have given up the right to sue and they have given up the right to receive some of the extraordinary awards that we have seen in recent years. We have many cases. I suppose there are five or six cases I have in a year. A widow—I can tell the Minister of Natural Resources (Mr Kerrio) who I know is very familiar with the construction industry—came in to see me and she had clear evidence of negligence on the part of an employer. The inquest found clear evidence of negligence on the part of an employer for a collapsing wall.

She lost her husband, she lost their life together, her kids lost their father, and she wanted to know why she could not sue. She wanted to know why she could not get—and she

clearly would have got it; any court would have given it to her—an incredible settlement, a very generous settlement, because it would have had to. What she got as an individual under workers' compensation was dramatically less than what she would have received under the common law system.

1620

I had to say to her that the reason she was getting less was that, in a sense, what she had given up, other workers had received. In other words, it was a cheaper form of insurance that she and her husband got, but the benefit of that cheaper form of insurance was that more people were covered and that the general level of benefit of the system was better.

We ought to be able to combine in this day and age a system which does the best of all worlds, and I think we could do it if we were prepared to finance it and deal with it seriously. I want to come to that in a moment at the end of my remarks about the future, because we have been debating for a long time in this House this current Liberal proposal and I want to put forward some ideas that my colleagues and I have on the subject of insurance generally, because we think it is so important.

In the late 1970s, in response to a general feeling of incredible frustration among the injured worker groups, organized labour and many employers who were frustrated by the system in the province, the Tory government of the day, which after all had been in power for so many years, commissioned a study by Professor Weiler. Professor Weiler was and is very much an influential and hard-working law professor whose work in Canada and the United States is well known, and whose views on workers' compensation were developed in a series of reports which he presented to the public in the early 1980s.

Professor Weiler, I suppose, could be described as the godfather of this particular piece of legislation. It reflects his point of view, which he presented with some vigour in a series of reports which were considered by the government of the day, at that time the Minister of Labour, Robert Elgie, who went on to become the Minister of Consumer and Commercial Relations. Now—surprise, surprise—he is the chairman of the Workers' Compensation Board.

I am told, and I do not think it is any secret, that Professor Weiler's ideas were considered actively by the Conservative Party. They were discussed by members of the House in the period between 1982 and 1985. They were the subject of



a committee report which was the subject of travel and discussion. I can remember that there were literally thousands of people who attended a number of meetings that were held to discuss it, and of course that committee issued a report.

In doing a little bit of work on what the Liberal Party thinks on this issue, I was interested to read page 82 of the report which came out, called a report on "Reshaping workers' Compensation for Ontario", in Response to the Weiler Report and White Paper of 1980-81. The final report, December 1983, was presented by the Liberal minority, which I understand consisted principally of the member for Windsor-Sandwich, who is now the Minister of Consumer and Commercial Relations (Mr Wrye), and the member for Kitchener-Wilmot, who is now the Minister of Community and Social Services. It is interesting to see what proposals the Liberals came up with in 1983.

"The Liberal minority proposes to retain the dual award concept. However, we believe that the lump sum payment as proposed is inadequate recognition of the fact that the disability suffered by a worker is a lifetime, 24-hour-a-day reduction in his enjoyment of all facets of his existence. It does not end when the shift ends. It does not disappear on weekends or statutory holidays. It does not vanish when the worker retires."

That is the argument the Liberals made in 1983 for the maintenance of a permanent pension system. Let me just read those words again so they sink in. Why do the Liberals in 1983 think a pension was a good idea? Because, they said: "The disability suffered by a worker is a lifetime, 24-hour-a-day reduction in his enjoyment of all facets of his existence. It does not end when the shift ends. It does not disappear on weekends or statutory holidays. It does not vanish when the worker retires."

That is right. That is absolutely correct. That is why a permanent pension is such a basic part of the bargain that workers struck back in 1915. As inadequate and crummy as that pension may be, as much as its amount and level must be fought—and many workers had to fight with the old commission before it was changed to the new appeals tribunal—whatever it may take, the fact of the matter is that the central part of the bargain struck by workers in this province has been for a pension; a pension not discretionary to the board; a pension for life, not a pension that evaporates when you are 65; not some lump sum that will disappear in a year's time. A pension for life has been the basis of workers' compensation in this

province and it should be maintained as the basis for compensation in this province.

The Leader of the Opposition, as he then was, the member for London Centre (Mr Peterson), said in the House on 1 June 1984, "There is not one member of this House who does not know in a personal way, through his or her constituency responsibilities, of hundreds and thousands of individual cases of virtual desperation because of the failure of this government to move."

What did the Premier say back in 1984 when he was Leader of the Opposition? "Will the minister give his solemn commitment that he will not abolish the pension?" Let me repeat those words: "Will the minister give his solemn commitment that he will not abolish the pension?"

That is the David Peterson who was in opposition. David Peterson in opposition stood in this place, in this House, asking a question a mere five years ago and said he wanted the Tories to give him a solemn commitment that they would not abolish the pension.

That is precisely what David Peterson has done. What he, in opposition, pleaded with the government not to do is exactly what he, in government, has done. That is what gives politics a bad name. When you have a party that in opposition, in consultation with injured workers' groups across this province, says it will maintain the pensions in this province, that it will maintain a system of permanent pensions, and then it turns around in government and does the exact opposite of what it committed itself to, that is hard for people to accept. That is hard for injured workers to accept, when they were told back in 1985 that the Liberal government agreed to workers' compensation reform. Does the Premier not think that the workers were entitled to think, when the Liberals talked about reform in 1985, that what they intended is what they proposed in 1984? Is that not legitimate?

I say to the minister that if he at any time had indicated to us that they wanted to talk dual award but they also wanted to talk about maintaining the permanent pension system, if that was the basis for discussion, we could have had a very good basis for a discussion, because we all know that the current system does not work adequately. We all know that there are a great many workers on pension who are dramatically undercompensated because of their real economic situation.

We all know that there are a great many workers who are told that they are on a 20 per cent disability and, at the same time, they are

receiving a Canada pension plan cheque which shows that they are totally disabled. We all know that there are workers who have bad backs who are told by the Workers' Compensation Board in its wisdom that they are 60 per cent or 70 per cent disabled. I have workers in my riding who come to me with a 40 per cent or 50 per cent disability cheque. They are in their early 50s. They have worked in construction all their lives. Their backs have given out and given way and they are told by the board that they have to get by on a 40 per cent or 50 per cent pension. At the same time, they are receiving a Canada pension plan disability cheque which tells them that they are 100 per cent disabled. One is entitled to say that if for the purposes of Canada pension you are 100 per cent disabled, it is hard to see why you should not be considered 100 per cent disabled for the purposes of the Workers' Compensation Board and the Workers' Compensation Act.

But the central criticism we have made of this bill is not just the perfidy of the Liberal Party. It is not just the fact that the Liberals have betrayed and broken the commitment they made back in 1983 and 1984, when they were very specific. Yes, I do not mind saying they talked about a dual award system back in 1984 and 1983. A number of people were talking about a dual award system. Critics of the system were talking about a dual award system.

### 1630

The question is, what kind of a balance do you strike between the need to recognize the economic loss and the physical pain and the mental anguish which is caused by a lifetime accident? There are a variety of ways of doing that and we would have been happy and indeed we wanted to discuss what those ways would be, but what I do know is that the system that the Liberals have proposed is nothing short of a fraud.

Let's discuss it in some detail. What the government has proposed is basically this: the worker who is classified as having a permanent injury will receive—

First of all, let's go through the process. You get an injury. If the injury is serious enough to receive total temporary benefits, you will continue to receive total temporary benefits. That will not change.

After a period of time after you have had your accident, you will be called by people from the board if you are still off work and they will talk to you about the possibility of your returning to work. If they find that you are not completely able to return to work, the act states,

"The board shall contact every worker who has not returned to work within 45 days after notice that the accident under section 20 is filed, for the purpose of identifying the worker's needs for vocational rehabilitation services, and the board shall provide such services to the worker if the board considers it appropriate to do so."

The minister has made a great deal of section 54a of the act he is proposing in Bill 162. This is the section which talks about the right to rehabilitation.

**Hon Mr Sorbara:** I don't think you're reading the one that came out of committee of the whole.

**Mr B. Rae:** The minister says I am not reading the one that came out of the committee of the whole House. I do not think that section has been changed substantially from what I am reading.

**Hon Mr Sorbara:** Both sections have been changed.

**Mr B. Rae:** If the minister has a new copy, I would be happy to read it with him and if one of the pages can get me that copy, I will be happy to look at it.

**Hon Mr Sorbara:** You may have the same copy.

**Mr B. Rae:** No, I want to make sure I have the same one.

I am trying to determine whether—the minister is saying that the language has been changed. I want to make this point. It says,

"If the board determines, as a result of an assessment or otherwise, that a worker requires a vocational rehabilitation program, the board, in consultation with the worker and...the employer...shall design and provide one."

My point throughout the piece has been that the critical question is "if." It is if and when; it is what the board decides. If the minister is saying that the discretion that is awarded to the board and that is given unilaterally to the board to determine whether or not a vocational rehab program is in place has been changed, then I say, with great respect, to the minister, that is not my understanding.

**Mr Polsinelli:** It is appealable to the Workers' Compensation Appeals Tribunal. Any decision of the board is appealable.

**Mr B. Rae:** The member for Yorkview is heckling from his seat and says that the question will be determined by the appeals tribunal.

**Mr Laughren:** A year later.

**Mr B. Rae:** I tell him, first of all, it will take a year to get to the appeals tribunal at best, maybe two; and the member also knows full well that the



appeals tribunal can only interpret the law that is in place and that is written here. The appeals tribunal, as a matter of law, cannot find that in fact there is an obligation on the part of the board to provide a rehab program. There is only an obligation on the part of the board to find a rehab program if and when the board finds and thinks that it is reasonable to do so. If the board finds that it is not in a position to provide—

**Mr Polsinelli:** If the board doesn't think it is reasonable, you can appeal it through the appeal process.

**The Deputy Speaker:** Order, please.

**Mr B. Rae:** I say to the member for Yorkview, I know the pressure he is under in his own constituency. I know the kinds of feelings he is getting from the communities he represents in his constituency and I can understand why he is feeling so defensive about this legislation. I want to see him go back to his constituents, the injured workers who helped elect him, along with a number of other Liberals, and talk about this bill.

**Mr Polsinelli:** I want to see you tell the truth.

**The Deputy Speaker:** Order, please.

**Mr B. Rae:** He knows perfectly well that when the Liberal Party was in opposition, when the Liberal Party was campaigning they said the complete opposite. I want to see you go back to your constituents and try to explain to them why what you said in 1985 is exactly the opposite of what you delivered in 1989.

Interjections.

**The Deputy Speaker:** Order, please. One member at a time, and of course, your remarks through the Speaker, please.

**Mr Laughren:** Claudio is embarrassed, that is why.

**Mr Polsinelli:** I am embarrassed because of you guys.

**The Deputy Speaker:** Order, please. One member at a time, and the Leader of the Opposition is the only one.

**Mr Laughren:** Why don't you stand in your place and apologize?

**Mr Polsinelli:** I am trying to keep my cool while your leader is having interpretations.

**Mr Laughren:** We understand why you are embarrassed Claudio.

**The Deputy Speaker:** Order. Please respect the standing orders.

**Mr B. Rae:** My argument with the government is this: The minister honestly believes—and I believe he believes, because he has come over

to me on a number of occasions and said: "Look at the act, think it through. I know I am right when I say there is a right to rehabilitation or there is a process here that will provide rehabilitation."

I am saying to you, Mr Speaker, that any reading of this act on its face finds that the board itself is in charge, that the board itself makes that determination and that the board itself is responsible for determining whether or not they will offer rehabilitation in one case rather than another. You and I both know what that means. That means the administrative criteria of the board will always triumph in practical terms. That is what will happen. I know what will happen. They will have a big file folder and they will have all kinds of criteria. They will have internal memoranda saying, "This is the board's criteria for when we will award vocational rehabilitation and when we will not." They will come back and say, "We would like to, but we cannot. If you say, "I think you ought to," they say: "Mr Rae, we appreciate your opinion. If that is how you feel, you certainly should appeal to the appeals tribunal."

The member for Yorkview (Mr Polsinelli) knows how long that process will take. He knows what the backlog is. He has his constituents lined up outside his office just like I do. He knows what that breakdown is. That is why he feels so defensive about it. I can understand. If I was a Liberal who promised workers something in 1985 and came up with this in 1989, I would be feeling pretty edgy too. I would be feeling pretty defensive too, because they have a lot to feel edgy and defensive about. That is the fact of the matter.

Interjection.

**The Deputy Speaker:** Order, please.

**Mr B. Rae:** I enjoy hearing comments from the Liberals at all times and I appreciate very much their assistance in this regard.

One of the first canards this government came up with was to say that the right to rehabilitation was significantly and dramatically changed by this legislation.

Un des canards de ce gouvernement et du cabinet libéral, c'est d'avoir dit à la population ce que j'ai même entendu le Ministre (l'hon. M. Sorbara) dire à la télévision un soir: «Il y a mention du droit à la réadaptation professionnelle dans le projet de loi», mais le lendemain il m'a dit: «J'ai dit ça, mais j'ai aussi dit d'autres choses»; moi, je n'ai pas entendu dire autre chose à la télévision, et c'est un problème qui m'est assez familier. Mais je veux dire tout de

même au Ministre qu'il n'existe pas de droit à la réadaptation dans ce projet de loi.

La Commission des accidents du travail conserve le droit de nier aux travailleurs leur droit à la réadaptation professionnelle; c'est toujours dans ses mains et à sa discrétion. C'est ce que nous voyons clairement et ce que nous refusons d'accepter.

Par contre, nous sommes d'accord avec M<sup>me</sup> Minna et M. Majesky, qui insistent sur le droit du travailleur à la réadaptation professionnelle.

We are all square, on all fours, if I may use a legal expression, with Majesky and Minna, who said clearly and categorically that the right to rehabilitation had to be the basis for changing the whole nature of the Workers' Compensation Board. They even argued that you should change the name, that it should become the workers' compensation and rehabilitation board, that the whole attitude of the board should change, but if you want to do that, you have to provide rehabilitation as a matter of right. It has to be there as a matter of right but it is not. That is the fact of the matter.

#### 1640

If the worker has been deemed to have a permanent disability, let's go back and see what happens. Everybody knows that what happens now is that if a worker is deemed to have a permanent disability by the board, he gets rated by the board for his injury. That rating is there as a matter of record, and that rating is then calculated on a monthly basis, based on a calculation of his income and earnings over the last 52 weeks, and he then receives a pension. The pension that he receives is a pension for life. In addition to a pension he also might qualify for some other benefits or some other assistance from the board, and all those things are things that we have all argued about and appealed about.

The one good thing about that pension was that however crummy it was, however inadequate a worker felt it was as a reflection of his loss, that pension was there for life. He did not have to go down and beg for it every week. He did not have to submit any new forms. He did not have to go down and explain what his income was or the fact that he had been making a little bit of money on the side working part-time over a summer. He did not have to explain that he had made more or less. He did not have to justify himself. In other words, it was not a welfare system.

He did not have to go down to the board and present his whole economic life in front of it and

say, "There you are. Now, I should get a little bit more, shouldn't I?"

**Mr Polsinelli:** Tell that to the existing injured workers. They can get \$300 or \$400 more a month under this legislation.

**Mr B. Rae:** I can understand the frustration of the member for Yorkview. If he is saying to me that I am defending the current system, that is nonsense. I have fought the current system longer than he has ever known about it.

What I am saying is that the one thing one can say about what is in place today is that workers have known that as long as they live they will get that pension. Nobody and nothing can take it away from them. Instead of which, we will now have a system imposed by the Liberals against the advice of their own members when they were in opposition, against the commitment made by their leader when he was in opposition, against everything which the injured workers' groups have asked for in compensation reform for the past 25 years, and in opposition to the views expressed by the organized working people of the province. They have decided that they know better, so what are we going to get?

The minister has said that he has abolished the meat chart. I am here to tell him that not even that is true, because when it comes to looking at that tiny lump sum which workers are going to get, that lump sum will depend on the meat chart. It will depend on a medical rating which will be determined according to the same arbitrary criteria as the current system is determined by.

Then, if a worker is over 45, he will get less; if he is under 45, he will get a little bit more, but whatever he gets, it is there in a lump and it is not a whole lot. Anything else that he gets depends on so many different things. What does it depend on? On the net average earnings, if any, yes; on any disability payments; on the personal and vocational characteristics of the worker. What does that mean, the personal characteristics of the worker? What kind of an assessment is that? Does it mean you are pleasing?

When I was a social worker fighting the welfare system in England, we knew perfectly well that those welfare officers would make all kinds of judgements. Did they like you? Did you seem to be co-operative or were you deemed to be unco-operative? Was your hair cut appropriately or was it not cut appropriately? Did you dress nicely or did you not dress nicely? Were you argumentative with the worker when you came in or were you suitably deferential and tugging at the forelock when you entered?



Are those the personal characteristics of the worker that people are looking out for? This is the travesty of what happens when you replace a compensation system with a welfare system. When you replace a compensation system, an insurance system, with a welfare system, this is what it looks like: You get people making judgements, "Well, this person's personal characteristics strike me as suitable, so this is the basis upon which we will make an assessment of what a worker is likely to be able to earn in suitable and available employment."

I warn this House that, if Liberal members think they have had their fair day of appeals before the Workers' Compensation Board, they ain't seen nothing yet.

**Mr Laughren:** Every case should be appealed.

**Mr B. Rae:** Every case will be appealed. There will be no certainty left in the system whatsoever. It is going to be replaced by a kind of roulette system where what you get will depend on the arguments you are able to make on your appeals before the board. Every case will become a welfare case, every situation will become a welfare situation, and the power and discretion of the board in that will be increased.

I said at the beginning that I wanted to talk a little bit about an alternative. I must say that, together with my colleagues, I have thought long and hard—I think I have thought and fought harder and longer on this issue than on almost any other in my political career—and I regard this day as a real setback. I know many of my colleagues must feel the same way. Instead of making the progress that I wanted to make and had hoped to make after some 10 years in political life—We have spent so long pushing the ball up the hill and making progress every step of the way. Whether it was getting the coke oven workers recognized or whether it was getting asbestos recognized or whether it was getting gold dust recognized, whether it was introducing an appeal system we thought would be fairer, whatever it has been, we have always felt that we were making progress.

It was slow, painful, difficult. We literally had to pile up the bodies when my predecessor Stephen Lewis argued on behalf of cancer victims, and my colleague the member for Nickel Belt, who personally knew so well many of those cases out of that sintering plant, the workers at Elliot Lake. I think of the incredible effort we have made to get cases, problems, people and families recognized by the system. We have managed to do it slowly.

This is a terrible defeat in the face of that progress, because for the first time the government has imposed a set of changes which have been resisted and opposed by the very people who the act is supposed to be there for.

I say without any apology I think this is a black day for Ontario workers, but I think at the same time we have to look to the future. I want to suggest to the working people of this province that we have to work together to build a very different kind of system and that out of the incredible mess which the government has created in the field of workers' compensation and out of the terrible mess it is making out of the automobile insurance crisis and out of the tragedy that we know many people face because they have cancer, for example—maybe it cannot be traced to a worksite. Maybe it shows all the signs of being related to a worksite but the board cannot find such a connection. We have the estimates from the experts, one of them commissioned by the Tories five years ago, who said that as many as 6,000 or 7,000 workers a year were dying as a result of general environmental and occupational disease.

We cannot find the causes of this, but I would suggest that on the edge of this age, where we are all so aware of the environment and when we see the insurance crisis all around us, we are at the edge of a similar point to the one we were at the edge of in 1912, 1913 and 1914. Just as that industrialized society came to realize that the old system did not work for workers and that it had to build a no-fault system that would be there for injured workers and that would be theirs, their system of insurance, so today we are on the edge of a new system in this province.

**1650**

I firmly believe that workers' compensation, as it is currently understood, should become a thing of the past. I believe very strongly that we should be setting our sights on a new goal, and that goal would be a universal system of disability insurance which would cover you regardless of whether you were injured or hurt at work, at home, between work and home or as a result of someone's negligence that could be proved or not. It should cover current automobile insurance; it should cover current disability plans, public and private; it should include the Canada disability pension plan, and it should include workers' compensation.

I think the creation of a universal insurance plan would cover a great many cases that are not now covered. If I may say so, it is of interest to me that in the last year and a half at least two

judges of the Supreme Court of Ontario have urged that the government of Ontario should introduce such a scheme.

The members opposite will remember the tragic case of the young man on a motorcycle who went through a piece of land that was owned by the city of Brampton. He was paralysed as a result of an accident which he had on that motorcycle. The members will know that initially he was successful in his suit against the city of Brampton but that ultimately he was not successful. As a result, he got nothing.

Mr Speaker, you will also know, as I am sure many members will know, the tragic instances of those young children who receive inoculations and vaccinations against various illnesses. Occasionally, statistically we are told not very often but still enough to trouble anybody who thinks about it, we find that these young people are disabled for life as a result of their injury.

All of us in our personal lives know people who, through no fault of their own, through, if you like, the roulette of life not the roulette of the insurance business or industry, have lost out. Young, vigorous people who were well are suddenly struck down by illness. Sometimes those illnesses can be related to the work they do but more often than not they cannot. We know the medical profession feels under particular siege these days in Canada and the United States because of the cost of negligence actions that are being brought against it for various things that happen.

I want to suggest that when we put all this together with the evidence—I see the Minister of Agriculture and Food (Mr Riddell) is here. He will know, as I have read with increasing concern, obviously because of what has happened in my own family, the evidence that is being adduced—admittedly still in its earliest forms, and it is scientifically being argued about but nevertheless very real—a sense that our overuse of pesticides and herbicides in the last 20 and 30 years in this province, on this continent of ours, has not only affected the quality of life for many plants and animals in the province but has also killed people. For example, we cannot explain the increase in cancer among certain groups of farmers without looking at this evidence of the use of pesticides and herbicides.

What lawsuit would succeed, what farmer's widow could possibly hope to succeed and what personal cost would there be to her to sue that employer, to sue that manufacturer in an attempt to get some kind of recognition? Having described that, Mr Speaker, you know what a long

shot that kind of case would be, what enormous pressure and problems it would cause for her if she had the courage and gumption to proceed and the costs that would be involved to her, emotional and otherwise.

Are we really saying as a society that we are recognizing we live in a world which we are making more dangerous ourselves by the processes of production and the way in which we make our living? Are we really saying that we are not prepared to compensate that family? Are we really saying we are not prepared to deal with the problems faced by farm workers who continue to be ignored by this legislation on workers' compensation?

I do not believe so. I think the challenge of creating a universal disability plan and the possibilities for creating a universal disability plan are simply there. To me, it is as obvious as it was to the Tory government in 1913-14 which asked Chief Justice Meredith to take on this task of creating a new system of compensation.

If we had that kind of system of compensation, it would be complex and it would require real thought about the balance to be struck between a general level of insurance and the need for us to continue to enforce the laws on negligence. I believe we would have to maintain a greater vigilance in our system against negligence. I do not think the current system of enforcement on health and safety and the current system of fines on health and safety anywhere near provide the economic incentives and punishments that are needed in a serious insurance system in order to get the number of accidents down.

I believe, and I mean this very seriously, that one of the reasons that the level of accidents is so high in our society is precisely because it still pays employers to produce in that way. I cannot find any other explanation as to why we would continue to see the level of death and disease in our workplace, except to say that obviously it is more economic for employers to do that than it is for them to clean up. Obviously the system of enforcement that is now in place is not working well enough so we have to find another one.

In my opinion, that system of enforcement is always going to depend on a match and mix between government enforcement and individuals on the workplace and at the workplace having the capacity to get that law enforced. I know that is a discussion we are going to have this fall. I am looking forward to that discussion very much as we debate Bill 208, the second jewel in the government's crown on health and safety, if I can put it that way.



A universal disability plan would be complex. It will, in my judgement, require a royal commission to establish its direction, just as Chief Justice Meredith did back in 1913-14. But in order for that royal commission to go anywhere, as opposed to the commission of Mr Justice Osborne and all the studies on the automobile insurance industry, it requires a government that is prepared to say: "Look, we know the system isn't working. We know it's breaking down and this is the direction that we want to go in. Will you tell us how to get there, what pitfalls, problems and balances need to be struck?" With that kind of direction and with that kind of clarity of purpose coming from the government, I believe we could create a better system.

When I first took a drive on a streetcar down to College Street from where I was living as a young law student in 1974, near the corner of Gerrard and Jones Avenue, to the corner of College and Dovercourt, which was the site of the old west end Young Men's Christian Association before it was renovated and all spruced up, it was a lively place. On the second floor there was a group of very dedicated injured workers who formed a union. There were a number of us, law students and others, who were involved in trying to help that union get going, get started and focus and channel our efforts.

I can remember as clearly as if it were yesterday the faces and names of that very distinguished and talented group of people, a very dedicated group of people who started that union over 15 years ago. I can remember the great hopes that we had for the kinds of changes that we could bring about. This is a very dark day because of the hopes that I had for abolishing board doctors, for creating and moving towards a universal plan, for increasing the level of benefits for workers and not decreasing the level of benefits. I can honestly say that those hopes not only are not realized in this bill, but in fact this bill goes completely against the things that we were working and fighting for.

Since that time, both outside when I was working for the union and when I went on to work for many other people and organizations that were dedicated to the cause of increasing the level of benefits for working people, we have demonstrated outside this House, we have demonstrated outside the building, we have had so many fights and so many efforts to get a change. All I can say to those workers today is that they must understand, as I know they do, that the road to justice is sometimes one that goes

back and forth, that it is not one that leads straight there and that we are now in the middle of a great political fight.

**1700**

As I have said before, the Liberals have moved closure and they will get this bill. Let the record show that the Liberals chose the employers over workers. Let the record show that when they had a chance to reform the system, they reformed it the way the boss wanted, not the way the workers wanted. When they changed the system, they jumped to the tune of the companies that finance the Liberal Party, not to the tune of the workers who have been outside demonstrating for the last 15 years.

That is the record. That is the record of this government. That is the record of the Premier. It was a great predecessor of his in the Liberal Party who said, "I would rather walk with the workers than ride with General Motors." Let it be said that in 1989, this Liberal Premier rode with General Motors. He rode with every employer. He rode with Inco and he rode with Stelco. He rode with the construction association. Yes, he rode with the DelZottos and the Muzzos. He did not walk with the workers of Ontario.

**The Deputy Speaker:** Comments and questions on the Leader of the Opposition's speech?

**Mr Polsinelli:** I can appreciate the Leader of the Opposition's call for a universal disability plan for Canada. I think it is an admirable goal. It is something worth pursuing. I am sure the Leader of the Opposition also appreciates that something of that nature has to be a national program, with the support of the federal government and the other provinces.

But I must say this to the Leader of the Opposition: 30 years ago, my father was injured on a construction site. He was an injured worker. Under the existing legislation, my family had to suffer the dire consequences. I do not come from a family that is wealthy. I come as the son of an injured worker to this chamber, to this assembly.

I know what it is like dealing with the Workers' Compensation Board. I know what it is like dealing with the legislation. Above all, I know what it is like growing up as the son of an injured worker. I say this to the Leader of the Opposition: If Bill 162 had been in place 30 years ago, my life, my childhood would have been considerably different.

Why does the member want to deprive the injured workers of the future of the benefits that they would receive under Bill 162? Why does he want to press on them the existing insufficient legislation that we now have on the books? He

had a prime opportunity to work with the government and the Minister of Labour to improve this legislation. He chose not to do that. He chose to be obstructionist. He even chose not to participate in the amendments that the minister had before the House.

I ask the member, who is he really representing in this debate?

**The Deputy Speaker:** Other questions and comments?

**Mr Laughren:** I must say I have been provoked by the member for Yorkview. What he does not seem to understand, or at least does not want his constituents to understand, is that what this bill is doing is taking away in the future the right of injured workers to a lifetime pension, plain and simple. He can disguise it any way he wants; that is what this bill is going to do.

It is true that I understand what the Minister of Labour feels about compensation in the province. He feels that there are injured workers in the province who are overcompensated. I have heard the minister say that there are some groups of injured workers who are overcompensated and some who are undercompensated. What does he do? He does not build up the ones who are undercompensated; he knocks down the ones who, in his mind, are overcompensated.

That is simply not true, and that is what my leader has been trying to say in his remarks this afternoon. I think most people will have understood those remarks. I want to say that if there are people in our society who are overcompensated, it is not the injured workers of Ontario. I happen to agree that there are people who are overcompensated in our society. I believe that most profoundly, but I do not understand how the minister could zero in on the most vulnerable group of all, the injured workers.

I guess what bothers me so much about the member for Yorkview is that he, of all people, should understand what this bill is doing to injured workers. It is even more inexcusable, given his personal history, that he can stand in his place and support this piece of horrible legislation.

**Mr Dietsch:** I too have listened to the debate and had the opportunity to participate in the resources development committee. I can say that coming from a personal experience of my own. I too have been an injured worker and I too have represented injured workers in the labour scene, where injured workers of this province, under the old system, were deprived of rehabilitation and were deprived of making their views known

before a Workers' Compensation Appeals Tribunal panel on a number of areas.

When the members of the loyal opposition stand up in this House and project an image that they, by all other means, are the individuals who represent workers in this province, I can tell them they had better stop and listen, because that is not the case. I have a number of injured workers in my particular constituency. I have been there. I have been injured myself and have had personal experiences with the Workers' Compensation Board.

**Mr Mackenzie:** Did you drop on your head?

**Mr Dietsch:** I can tell members, as the member for Hamilton East spouts from his place, as he does so often in this House, as the projected saviour of the worker, he is not alone in this province. There are a number of Liberals in this province who work on behalf of injured workers and who take seriously what happens in their place about the injured workers.

With Bill 162 there are going to be a number of specific improvements, not like those which the Leader of the Opposition and the member for Sudbury East (Miss Martel) projected out into the community, a number of misnomers to indicate a threat to injured workers that they were going to lose their pension. That is not the case under Bill 162, and the minister will wrap up—

**The Deputy Speaker:** Thank you. The member's time has expired.

**Mr Dietsch:** —I am sure, and put forward those views in this province.

**Mr B. Rae:** I am glad to have aroused some interest and discussion from honourable members and I appreciate their views very much. I guess that, taking in turn what I heard from honourable members, the first point I would make, in response to the member for Yorkview on the universal disability plan, is simply this: If Tommy Douglas had waited around for the federal government to move on medicare, we still would not have it today.

The reality is that we are going to get universal disability insurance when we have one government in Canada that has got the guts to get it started. That is how we will build a national plan, the only way we will build a national plan. I really believe that. If we wait for Brian Mulroney or whoever is in power at the federal level, then we wait for ever and ever for that to happen. It will not happen. It will only happen when we set the provincial example that we can do it here.

I can say to the member, and also to the member for St Catharines-Brock (Mr Dietsch),



there are many comments made about me and my party, about who speaks for whom and what Liberals speak for. All I can say is if their case was as good as they make it out to be, why was there not one group of injured workers across the province—not one, not a single group of injured workers, no matter what background they came from, no matter what part of the province they came from—which endorsed Bill 162? They all rejected the notion of taking away a lifetime pension, every one of them. Were they all wrong?

This is not the New Democratic Party speaking. For whatever Liberal members may think of the organized labour movement—and I know the incredible antipathy that exists within the ranks of the Liberal Party towards organized labour—all I can say is that I do not know of a time in our history when a change has been made to labour legislation of this magnitude that was not at least acceptable to some of them, at least to one group or another, whether it be in the public sector or the private sector.

**The Deputy Speaker:** Thank you. The member's time is up.

**Mr B. Rae:** So that speaks for itself.

1710

**Hon Mr Sorbara:** As members can imagine, I am very happy to be now winding up this debate on third reading and, I think, this debate in the province on Bill 162.

I was first elected on 2 May 1985, and during the course of the four years and more that I have sat in this Parliament and served as minister in this government, I really have seen a number of very important issues debated around the province and in our society. They have given rise to some very important and powerful debates. I think back to our debate on the extension of funding to the balance of the Catholic school system; of our debate on the statutory ban on extra-billing by doctors; of Bill 7, the Human Rights Code prohibition banning discrimination on the basis of sexual orientation; of Bill 8, the extension of French-language services in the province.

I think of the resolution on the constitutional accord, the Meech Lake debate, which frankly still goes on, although not directly in this Legislature; of the free trade debate, which kept some of us here over most of the Christmas holidays a year and a half ago; and about the debate on bills 113 and 114, which were of some interest to a number of us during the last session, and of Bill 162, which I place within that context.

Because it deals with citizens and residents of this province when they are at their most vulnerable—that is, when they have been injured and some of their vitality has been attacked—it is for us an extremely important issue. I think the debate we have had, both in Parliament and around the province, has been a very important one. There has been a broad spectrum of opinion expressed from one end of this province to another, and now we are coming to the end of that debate. I want to tell members that I am glad to have this opportunity to put a few matters and my own feelings and reflections on the record, as I have not been able to do during the earlier parts of the debate.

We are coming to the end, to third reading, to a vote and to royal assent. As I said, it has been an extremely good debate and, classically, a great debate filled with, as the Leader of the Opposition said when this debate began over a year ago, all the legitimate methods of public and parliamentary expression that have been in the lexicon of things done here in the Legislature and elsewhere. Although there may be a variety of opinions expressed about some of the tactics involved in this debate, in the end I think we have seen ourselves and the public with an opportunity to debate an extremely important issue.

I will just review the legislative record. I introduced Bill 162 on 20 June last year. Some 22 members had an opportunity to speak to the motion during seven legislative days of debate on second reading, which began on 19 October. The bill then went to the standing committee on resources development on 23 November. Some of the debate I heard; in fact, some of the comments of the Leader of the Opposition during that time inspired us to announce in the House certain amendments we were going to be moving in second reading and clause-by-clause consideration. We did that in order to ensure that when the bill went out to public hearings, those who were considering making deputations to the committee would not be required to speak to those issues.

Then we had some 22 days of public hearings; I want to come back to them in a moment. Then we had consideration—at least we were supposed to have consideration—in clause-by-clause in the standing committee on resources development. The bill was reported back to this House and we had an all-night debate on those issues. I sat here for all but one of those speeches. Unfortunately, I missed the speech of the Leader of the Opposition (Mr B. Rae). I know how passionate he is on these issues and I regret that I missed that. Now we are at third reading.

I just want to say a word or two about those public hearings, because I have been wanting to get this off my chest for a very long time, I tell my friends in the House. Great political hay was made by the official opposition about whether the government was interested in public hearings. Frankly, I regret that the member for Sudbury East is not here for this debate. I am surprised that she is not here and I think it is regrettable. In any event, the member for Sudbury East suggested that the government was not interested in public hearings, and I think that business of the public hearings has been one of the really regrettable aspects of this debate on Bill 162.

I want to tell members a bit of the history of how we got to where we got on the public hearings. Members will recall that there was a day when injured workers were outside the doors of this very chamber on the issue of public hearings. For a very long time, I wondered how the message, the misinformation, somehow had got out into this province that the government did not want to have public hearings on Bill 162. For months and months afterward, that theme kept recurring. I finally figured out what happened.

Members will know very well that when the government is considering what the legislative agenda for a bill should be, the minister sponsoring that bill approaches the critics in the official opposition and the third party and initiates a discussion about what the opposition parties would like to see in terms of legislative consideration, such as how many days they want the bill to be debated in the House and what kind of committee consideration they want of the bill. It is at that discussion stage that the bill really begins to develop a legislative form and a legislative framework and a legislative agenda.

Back in early October of last year, before we began sitting in the fall, I approached the member for Sudbury East, because she is my critic on these matters, and I put it to her in an introductory meeting as to what she would like to see. She said to me: "We want you to scrap the bill." That was it.

I said: "Well, what would you like the legislative consideration to be on Bill 162?" There was really no response. She said: "Well, all of our members are going to speak on it and they are all going to oppose it." I said: "That's fine. What about anything else? What about public hearings?" She said: "We don't have anything to say on that."

Then she asked me what I would like to see and I said, and I admitted this on a number of occasions: "Well, I would like to see the bill

passed by Christmas, but of course that really is in your hands."

The very next day I started to get calls in my office that I was opposing public hearings; that I did not want the province to be considering this bill in a normal legislative way with hearings and in a committee that would travel around the province. I think that was the one great regret I had in the way in which we considered this bill, because I think it was unfair of the member for Sudbury East to send out that message after one introductory meeting; one opportunity to begin consideration.

**Mr B. Rae:** You're talking about us being sore losers. You're the first sore winner.

1720

**Hon Mr Sorbara:** No, I tell my friend the Leader of the Opposition, when injured workers came to the door of this chamber, I was shaken to my foundation. I really wondered after that how it was that such a distorted message about consideration of this bill—

Interjections.

**The Deputy Speaker:** Order, please.

**Hon Mr Sorbara:** Since introduction of the bill, I have had an opportunity to go to just about every corner of the province. I have gone to Windsor and met with injured workers in Windsor. I see in the gallery here today a group of workers who have worked very hard on behalf of injured workers right around the province. I think, as I look at the group, I have spoken with every single one of them on a number of occasions on the very subject matter that is in Bill 162.

In Thunder Bay, we had a number of long and I think fruitful meetings with the Union of Injured Workers in that community. I think of a young man for whom I have an incredible amount of respect, a young man named Steven Mantis who has worked so hard in that community, and the discussions I have had with his group and with him personally. In fact, on a number of occasions he has come down to Toronto when we have talked about vocational rehabilitation and how it should be. We have talked about his views and the government's views on all the matters in Bill 162.

In Sudbury, the Canadian Union of Mine, Mill and Smelter Workers organized a session and made a point of ensuring that there was a verbatim transcript, and the discussion was active and vibrant.

My friend the member for Cochrane South says I did not meet the injured workers on the



steps of Queen's Park. I just want to tell him and the members of this House that I have had meetings on the steps of Queen's Park and elsewhere for the past 13 months, considering what the government is proposing to do in Bill 162. In fact, as recently as last Tuesday I sat with a woman who was there to demonstrate to discuss her particular problem and hear her view.

In Italian, she said to me, "Mr Sorbara, why are you doing this?" Then she said, "Why are you cutting my pension?" I was surprised, after some 13 months, that some workers felt that the pensions they were receiving would be cut.

I explained to her as best I could that her situation would be this: She would continue to receive the pension she was getting, and as soon as Bill 162 is passed, she will have an opportunity to return to the board to have her circumstances re-evaluated for the purpose of the payment of a supplement, which is provided for in the transitional arrangements under Bill 162.

But that is just one other contact. On each occasion and in each encounter, whether it is my riding, my own constituency office or anywhere in this province, I think, after some 13 months, that I understand with the same emotional power that the Leader of the Opposition was talking about when he talked about the plight of injured workers.

I want to tell members what I found after some 13 months of carrying this bill. What I found from virtually every worker I talked to was that the system we have today for compensation of permanent partial disability is a rough justice system that has wrought very much pain, hardship and personal tragedy in this province ever since it was in the law, back to 1915.

From each encounter I have had with groups of injured workers or individual injured workers, I have been reconfirmed in my view that we must finally bring about a system to compensate workers who have permanent injuries that reflects what they really have lost as a result of their injury.

My friend the Leader of the Opposition speaks about the social contract that was made back in 1915. He suggests that there was a tradeoff, that the workers gave up their opportunity to sue their employers and, in exchange for that, they got a system of no-fault insurance. But that system of no-fault insurance has not worked fairly for far too many workers in this province. Indeed, if you go back to the very final report that the commissioner submitted in 1915—and I went back to read it—you come upon a paragraph that I think is telling.

Mr Justice Meredith writes, "A uniform rate of compensation which has no relation to the earning power of the workman, for the purpose of reducing the rate of 50 per cent of his wages, is, in my opinion, also inconsistent with the principle upon which a just compensation law is based, and unfair, and a most undesirable mode of fixing the amount of compensation."

He says a uniform rate would be unfair and a most undesirable mode of fixing the amount of compensation. But that is precisely the system we have today for those who suffer permanent injuries. We have a system that treats everyone the same, notwithstanding that for one worker the future might be no opportunity to work whatsoever and for another worker with the same injury an opportunity to return very quickly to the same level of earnings.

We do that not because of some meanness, arbitrariness or unfairness in the workers' compensation system, the Workers' Compensation Board, its administrators or its adjudicators; we do it because that is what the law currently tells us to do. Subsection 45(1) of the Workers' Compensation Act says, "Where permanent disability results from the injury, the impairment of earning capacity of the worker shall be estimated from the nature and degree of the injury." You look to the injury, the current act says, not to the effect of the injury on the worker's life.

I want to tell my friend the Leader of the Opposition of another basic principle of law that I am sure he is familiar with. That principle is that when someone is injured, justice, compensation and recompense should put that individual, as much as financially possible or as much as one can do with money, in the same position that he or she would have been in had it not been for the injury.

Because the Leader of the Opposition is a lawyer, he will know that is a fundamental principle of the law of compensation and the law of tort in every common law jurisdiction. Bill 162 is designed precisely on that fundamental principle of justice, that as much as we can in this province, we have an obligation to move heaven and earth to put the injured worker in the position that injured worker would have been in had it not been for the accident.

What are we doing in the bill? We are saying that we want to junk the system of rough justice, we want to junk the system of lifetime percentage pensions based on a meat chart, and we want to move to a system of individualized response to the individual circumstances of individual injured workers after the misfortune of an accident.

Yes, the injury will be a matter of carrying pain and suffering for the rest of that worker's life. Therefore, under the dual award system we are adopting in Bill 162, that is recognized. For the first time in this province we are recognizing that a worker having suffered an injury suffers some loss of enjoyment of life. That will finally be reflected in the laws of this province.

At the same time, we are saying in the bill that if we are going to compensate for the loss of earning capacity, let us compensate for the loss of earning capacity and not use some sort of crazy meat chart to determine what the size of the pension should be. How many injured workers have we as parliamentarians in this province seen who have said, "The board expects me to live on a 10 per cent pension and I haven't worked in years"?

**1730**

We are going to scrap that. That is over now. This bill will pass and that will be history. We will have a system where the board will be required to look at what the impairment of earnings is and then provide a pension based on that.

There has been a lot of discussion in this House and around the province about whether or not the board will act fairly or whether or not the board will deem injured workers to be earning thus and such. I have heard the speeches from the other side about the board's arbitrariness and the fact that the board will make crazy, weird decisions about what the earning capacity of an individual is after the accident. In fact, that was one of our great concerns as the bill went into clause-by-clause consideration—that we had the right words in the statute to make sure the board would be constrained to look at the realities of that worker's life post-injury and not some sort of chart or some sort of employment criteria in a manual. I think we brought in provisions during clause-by-clause stage and committee of the whole that will do that.

One of the unfortunate aspects of this debate is that we never had an opportunity in clause-by-clause consideration to have the input of the opposition parties to refine those words. I think we have it none the less. I think we have the right words, but it is regrettable and it is one of the aspects of this debate I will always regret, that the opposition party refused from day one to participate in this debate in a constructive way to make sure the words that are in this bill are the ones they feel will sufficiently protect the very constituency on behalf of whom they say they speak.

I strongly believe that the member for Hamilton East (Mr Mackenzie), who has sat here for so many years, the member for Sudbury East, who is a new and very articulate member of this assembly, and the Leader of the Opposition himself should have said to me a year ago, when the bill was introduced: "We don't like it. We have never liked the dual award system. We are on record as to what we want. We want the double award system. Paul Weiler knows all about it. So we don't like it but you're the government and we guess if you are going to have it, we would like to sit down and have some input into it."

Not once; there was not one suggestion from any member of the opposition party that they would like to sit down with me, as the minister sponsoring this bill, and talk about it. I have had input from the Union of Injured Workers and they have given me some criticisms. We have had public hearings. The bill is better as a result of those public hearings. We have gotten some input, but the opposition parties could have had an opportunity to ensure that their views, even on the fine points of wording, were reflected in the final product. I think, notwithstanding that, we have a bill that will serve well the workers of this province.

Obviously the heart and soul of this bill is a new system for compensating workers with permanent injuries. It is the guts of the thing. It is the dramatic change we are bringing about. I understand the opposition parties saying: "We don't want to have anything to do with that. We will not give up, at any cost, lifetime pensions as currently paid. Yes, we want more. We want a way of compensating for what other earning impairment there is, but from our point of view the lifetime pension is a sine qua non. We have to have that."

I understand that position. That really has been the heart and soul of the debate; whether we should maintain and build upon that old system or start off afresh. It really is the two spectrums, it really is the two sides of the debate. I want to tell the Leader of the Opposition that frankly, if there was all the money in the world, if there was all the money we needed in order to create our systems of compensation, we would just pile on to the system additional benefits.

He has said to me and referred to me in this House and elsewhere as the first Minister of Labour who has not been expansive in reforms of workers' compensation. I have not had the luxury of simply spending more in this system. We do have a system that is already some \$7.5



billion in debt; \$7.5 billion in unfunded liability. The Leader of the Opposition knows full well that we simply do not have the luxury of saying, "Well, we'll just increase the benefits to those who are not receiving enough."

There is some suggestion that in this province we have a system that is not spending very much, and yet if you look across Canada at the expenditures in workers' compensation, you see, of course, naturally—and we should be proud of it—that Ontario has the highest per-claim payment in all of Canada. We pay out some \$6,500, on average, per claim. The next highest in Canada is, naturally, Quebec, which has an industrial base much like Ontario's and you would think its system is rather similar. The average cost per capita of claims in Quebec is just over \$3,000. In Ontario we pay out double the average of the next highest province in Canada.

What that indicates is that there is money in the system. We do have very high rates of assessment against employers. There are funds there. My challenge was to find a method to spend those resources in a more effective way.

There has been some suggestion that this is in some respects a newfangled idea, that the Minister of Labour, having been appointed, decided that he would have a dual award system, that there had been no consultation, no consideration of these issues; but the opposition parties know that this system and these issues, including vocational rehabilitation and a better system for compensating for permanent partial disability, have been debated in this province and in this nation for 10 years now.

In fact, the most recent consideration, done by Professor Paul Weiler for my predecessor, now the Minister of Consumer and Commercial Relations, looked again at what had been proposed in terms of compensation for permanent partial disability. He made a comment in his final report that I think would be of some significance to the Leader of the Opposition, who argues so forcefully and so eloquently for a universal system of disability.

Paul Weiler said: "If you're going to spend a whole lot more money on workers' compensation"—at that point, in 1986, he was suggesting some \$600 million a year if we were to adopt the system proposed by the New Democratic Party—"why in the world would you do that? If you're going to take \$600 million more out of the economy, why not use that money to begin the creation of a universal system of compensation?"

I think that made great sense and I agree that we have to start thinking and talking about that and figuring out what the future should look like as we confront compensation problems in a variety of areas, but let me say that it was my responsibility and my challenge to figure out how we could repair a system that has exacted so much pain and suffering because it was so arbitrary and so insensitive to the reality and the plight of so many workers in this province.

I think we have done that. Particularly with the changes we have made in our system, with the changes we have brought about as a result of the public hearings, with the changes we have worked on as a result of the criticisms and the considerations of the bill around the province, I think finally we have a bill that really will serve the workers of this province in a way they have not been served up until this point.

#### 1740

I think that is true, particularly in the area of vocational rehabilitation, and I want to tell members why I think that is. Members should understand that the current law is entirely permissive. It says, in fact, that the board can do vocational rehabilitation if it wants. If it does not want, it does not have to do it. There has been so much discussion on this matter that I am surprised that in his remarks the Leader of the Opposition did not at least acknowledge that in the area of vocational rehabilitation we really are taking some major steps, and that what is in this bill really does emerge from the work undertaken by Maria Minna and Wally Majesky in their report, *An Injury to One is an Injury to All*.

No, the bill does not guarantee that an injury automatically leads to a right to vocational rehabilitation. What member in his right mind would suggest that sort of a provision: that an injury that keeps the worker out of the workplace for 30 days automatically leads to vocational rehabilitation whether it is needed or not? That is what they have been suggesting. That is the kind of system that I have heard from the opposition parties when they talk about a guarantee of vocational rehabilitation. They said they want a guarantee. What does that mean? That means you have a right to it. Someone has to determine whether or not it is needed.

I tell the Leader of the Opposition that statistically the vast majority of cases of workers who are out of work for more than 30 days result in that worker returning as soon as he has reached full medical rehabilitation to the job he or she was in before the accident. But if we had the system that is being proposed by the Leader of the

Opposition and his party, that worker would be able to say, "I have been out 30 days; I do not particularly like my job; I want vocational rehabilitation."

Someone has to make the decision, but historically that decision made by the board has not been based on a fair assessment. What we are doing for the first time in Canada is creating a statutory obligation on the board to provide an assessment of the needs of that worker so that a reasonable determination can be made.

The Leader of the Opposition will recall that in 1984 in this Parliament we put into place in this province a system of independent adjudication to ensure that those decisions were reasonable and fair. I strongly believe that the future in this province in the area of vocational rehabilitation will be dramatically better than the past as a result of these initiatives, not simply because of the words of this statute, but because we as a province are changing dramatically our views about those with disabilities, whether it be in human rights legislation, whether it be in programs from other ministries or whether it be in worker compensation legislation.

We are doing the same thing in the area of re-employment. How many of us, as members of provincial Parliament in our constituency offices, have heard from injured workers who say, "As a result of my injury, no one will hire me" or "As a result of my injury, my employer is refusing to allow me to come back to work"? Now, for the first time in Ontario, as a result of this bill, soon to be law, we will have a statutory obligation on employers to rehire those very workers who have been complaining so bitterly about the rough treatment they have had at the hands of some employers.

I know that in this area of reinstatement we have not answered all of the questions; that we have not gone perhaps as far as some of the New Democratic Party members would like. But we are only the second province to incorporate these rights and we have planted a seed in the area of reinstatement that I think will be one of the flourishing aspects of worker compensation legislation as we move into the 21st century.

This has been a long and difficult debate. All of us in this House have lived and heard about these issues in our constituency offices, lobby groups and elsewhere as we have considered Bill 162 over the past 13 months. I believe from the bottom of my heart, I am absolutely convinced that the result of the passage of this legislation will give to the workers of this province, those men and women who rely on a fair system, who rely on an equitable system, the kind of justice, the kind of compensation and the kind of humane response to their individual plights that they have not had over the past 75 years.

### 1800

The House divided on Mr Sorbara's motion for third reading of Bill 162, which was agreed to on the following vote:

#### Ayes

Adams, Ballinger, Beer, Black, Brown, Callahan, Campbell, Carrothers, Chiarelli, Collins, Conway, Cooke, D. R., Cordiano, Curling, Daigeler, Dietsch, Eakins, Elston, Epp, Faubert, Fawcett, Fontaine, Fulton, Furlong, Grandmaître, Hart, Hošek, Kanter, Kerrio, Keyes, Kwinter, Lipsett;

MacDonald, Mahoney, McClelland, McGuigan, McGuinty, McLeod, Miclash, Miller, Morin, Neumann, Nixon, J. B., Nixon, R. F., Offer, O'Neil, H., O'Neill, Y., Owen, Pelissero, Peterson, Phillips, G., Polsinelli, Poole, Reycraft, Riddell, Roberts, Scott, Smith, D. W., Smith, E. J., Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Velshi, Wilson, Wong, Wrye.

#### Nays

Allen, Brandt, Bryden, Charlton, Cousens, Cureatz, Eves, Hampton, Harris, Kormos, Laughren, Mackenzie, McCague, McLean, Morin-Strom, Philip, E., Pope, Rae, B., Reville, Runciman, Sterling, Villeneuve.

Ayes 69; nays 22.

The House adjourned at 1805.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

**124. Mrs Marland:** Will the Minister of the Environment provide copies of all letters, memoranda, documents and studies within his possession which consider or discuss the feasibility of providing provincial assistance to municipalities for the implementation and enforcement of the provincial MISA program? [Tabled 15 June 1989]

See sessional paper 93.

### GOVERNMENT PUBLICATION

**192. Mr Harris:** Would the Minister of Municipal Affairs provide details as to the cost involved in printing the ministry's book, *Guide du vérificateur municipal de l'Ontario*; how many books were printed; how many English-language editions were printed; and the distribution costs of mailing these books through priority post, as well as any other means? [Tabled 7 June 1989]

**Hon Mr Eakins:** A detailed answer in response to the above question regarding the ministry's book, *Guide du vérificateur municipal de l'Ontario*, is attached.

### *Guide du vérificateur municipal de l'Ontario*/ A Guide for the Municipal Auditor in Ontario

Reasons for printing the publication: A publication with the same title as above was written and distributed in 1970, but has been out of date for several years. The revised book provides an updated reference on municipal auditing and the role and responsibilities of the municipal auditor. It provides the auditor with background knowledge of local government structure, administration, operation and legislation.

It is only the text available for municipal auditors in Ontario and is endorsed by the Institute of Chartered Accountants of Ontario. The institute uses the book in its professional development courses presented twice a year for both prospective and practising municipal auditors.

Costs incurred for producing the *Guide du vérificateur municipal de l'Ontario*/A Guide for the Municipal Auditor in Ontario:

Printing services [2,500 English copies; 850 French copies]: \$14,291.42.

Typesetting services: \$17,032.38.

Graphics services: \$10,154.72.

Translation services: \$4,749.45.

Mailing services [Government Services]: Regular postage, \$983.82; priority post, \$410.85.

Total: \$47,622.64

### HIGHWAY CONSTRUCTION

**243. Mr Wildman:** Would the Minister of Transportation provide the total amount of taxpayers' money spent on Highway 519 since the Dubreuilville Road was incorporated into the provincial highway system; how often was the highway route surveyed and the total amount spent on surveying it; the total spent on design; the total spent on construction and reconstruction; the total amount spent on prime and surface treatment and double application of cold mix; the total spent on the repairs and patching which have had to be done since almost as soon as the last project was completed; the total estimated cost of reapplying surface treatment to the length of Highway 519 this construction season? [Tabled 4 July 1989]

**Hon Mr Fulton:** Prior to 1984, Highway 519 was known as the Dubreuilville Road and maintained as an industrial road (a private road for use by the public and for which the Ministry of Transportation had agreed to reimburse the Dubreuilville Brothers Ltd 50 per cent of costs and maintenance). In March 1984, the ministry assumed 15 kilometres of the road from the junction of Highway 17 easterly. The remaining 15.5 kilometres was assumed in March 1986.

A total of approximately \$5.97 million has been invested on Highway 519 since it assumed into the provincial highway system. That total includes \$47,500 over the past nine years on design; \$193,000 over eight years on surveys and plans; \$5.6 million on two capital construction contracts; \$564,000 on two double surface treatment contracts; and \$161,000 over the past four years on pothole patching.

The estimated cost of a 1989 surface treatment contract over 30.5 kilometres of Highway 519 is \$570,000.

The highway has been surveyed for varying periods of time in 1981, 1982, 1983, 1984 and 1988. These surveys have been to gather pre-engineering data for five capital contracts, to lay out and verify construction details and to prepare legal assumption plans to define the right of way.

### DRUG ABUSE

**257. Mr Runciman:** Would the Treasurer provide a detailed breakdown of the allocation of the \$37 million committed by the 1989 budget to combat the illegal drug problem, specifying the amount to be spent on each of the two years, the programs and activities to be funded, ie, community-based initiatives, drug rehabilitation, law enforcement and any others, and the amount to be allocated to each program and activity? [Tabled 6 July 1989]

**Hon R. F. Nixon:** An interministerial working group has been established to develop a provincial antidrug strategy in the areas of education, prevention, law enforcement and treatment and rehabilitation. Until the group has completed its work, the distribution of funding by ministry, program or activity cannot be determined.

### SOUTH AFRICAN INVESTMENTS

**258. Mr Laughren:** Would the Minister of Intergovernmental Affairs please provide his government's policies and guidelines on dealing with the government of South Africa and South African corporations and/or corporations with South African interests? In addition, will the minister also include in his response the following: the provincial agencies and crown corporations to which these policies and guidelines apply; the government's position on disposal of its shares in Varsity Corp; the government's policy with respect to procurement of goods and services from companies that do business in South Africa or of goods that have South African content; the initiatives this government has taken to discourage private business from doing business in or with South Africa; and the government's position on trade with South Africa and the maintenance of diplomatic relations with South Africa and how this position has been conveyed to the federal government? [Tabled 10 July 1989]

**Hon Mr Peterson:** The Ontario government has strongly supported Canada's condemnation of South Africa's apartheid and has taken measures to convey this message to the South African government. As a result:

1. Exchange of official visits between Ontario and South Africa is not permitted; and
2. The province does not enter into any co-operative programs with the government of South Africa, be they commercial, cultural, educational, technical or scientific.

The Ontario government also parallels the federal ban on government contracts with

majority-owned South African companies. For that purpose, Ontario ministries and agencies are expected to consult with the Ministry of Intergovernmental Affairs in all dealings involving companies in which ownership is clearly South African or may be related to South African interests. For the definition of "majority-owned," the province relies on information and advice from the federal government in each concrete case.

With respect to procurement, a ban was imposed on all Ontario government purchases of supplies, equipment and services originating in South Africa. A directive in this regard was issued to all ministries and schedule I agencies. Furthermore, all publicly funded agencies were urged to follow the government's lead with respect to all of its relations and dealings with South Africa.

As for the government's position regarding Varsity Corp (formerly Massey-Ferguson), in which Ontario has approximately \$16 million in common and preferred (class II) shares, the province's involvement is the result of an unusual situation which is well known. For that reason, it has been the government's practice not to participate in the company's operations as a normal shareholder. Nevertheless, the Ontario government has called upon Varsity to divest itself of South African holdings. This request was conveyed directly to Varsity by the Premier in a letter dated 16 June 1986. In addition, the government has supported motions for that purpose presented at Varsity's annual meetings.

The government does not sponsor any trade or investment initiatives by the private sector in South Africa, and the Premier has publicly urged Ontario firms to discontinue business with South Africa.

With regard to the maintenance of Canada's trade and diplomatic relations with South Africa, this is an area in which a final decision rests with the Canadian government. In May 1989, the Secretary of State for External Affairs told to the House of Commons standing committee on external affairs that Canada is not prepared to introduce mandatory trade sanctions against South Africa at this point. Mr Clark added that Canada's diplomatic relations with South Africa have been limited to activities that primarily provide support to the victims and opponents of apartheid in South Africa.

Canada's policy towards South Africa is the result of a process of consultation between the federal government and the provinces that started about five years ago. In the formulation of the



Canadian position in this regard, therefore, the interests and opinions of all provinces were taken into consideration. Ontario, in particular, has been urging the Canadian government to use all possible means to increase the pressure on the Pretoria regime until the complete dismantling of apartheid is achieved. For this purpose, the Ministry of Intergovernmental Affairs maintains regular contacts with the Department of External Affairs, particularly with the Southern Africa Task Force.

#### INTERIM ANSWERS

**248 to 252. Mrs Cunningham-Hon Mr Sweeney:** With reference to the above noted order paper questions, a full response cannot be prepared within the time period outlined in standing order 88(d). A full response will be provided on or about 27 July 1989.

**253. Mr Jackson-Hon Mr Ward:** The information required to answer question 253 is not available at this time. A final answer will be available on or about 31 October 1989.

#### RESPONSES TO PETITIONS

##### HOME CARE

Sessional paper P-10, re Victorian Order of Nurses.

**Hon Mrs Caplan:** The Victorian Order of Nurses has been a valued provider of nursing services to this ministry's local home care programs for many years. These services have been fully funded, and when a deficit occurred in 1985-86 it was also funded.

In 1988-89 a further deficit, estimated by VON to be \$2.5 million, was brought to our attention and I was pleased to announce on 5 May that this deficit will be fully funded.

During 1988, the management consulting firm of Stevenson, Kellogg, Ernst and Whinney conducted, as a joint undertaking of the Ministry of Health and VON Ontario, an operational review of six VON branches. The report on this project made a number of recommendations to improve operational linkages and long-term funding arrangements between the two parties and outlined opportunities to improve efficiencies within the VON. Ministry staff are currently working with VON Ontario to implement these recommendations.

##### WASTE DISPOSAL

Sessional paper P-12, re garbage dumps in Durham.

**Hon Mr Bradley:** On 14 March 1989, a proposal for a long-term program for the management of solid waste was released.

The chairmen's proposal calls for a collective approach of the regions in the greater Toronto area (Halton, Peel, York, Durham and Metro) to find and implement a long-term waste management system.

The long-term system is to include major four Rs initiatives to meet provincial goals as well as state-of-the-art disposal of the balance of the waste. The long-term system, which will undergo assessment under the Environmental Assessment Act, probably will be implemented in the period 1992 to 1996.

Metro, York, Durham and Peel may not have sufficient capacity in existing landfills for disposal of the waste in the period up to implementation of the long-term system. Therefore, the chairmen's proposal has accepted the need for contingency landfilling sites to provide interim disposal capacity. Contingency sites, as indicated in the 14 March chairmen's proposals, are to be evaluated under the Environmental Protection Act.

On 17 May 1989, council of the region of Durham approved the nomination of its contingency site in the town of Pickering near the village of Whitevale (P1 site). The P1 site is on provincially owned land which the Ministry of Government Services would permit to be used for the site.

The province has agreed to assist in resolving the solid waste management situation in the greater Toronto area, including the regions of Durham, York, Peel and Halton and Metropolitan Toronto.

##### SECURITY IN PREMISES USED BY PUBLIC

Sessional paper P-18, re Trespass to Property Act.

**Hon Mr Scott:** The existing legislation permits the arbitrary eviction and exclusion of individuals from property to which the public is generally invited. It does not provide equal and fair protection for individuals, despite the applicability of the Human Rights Code.

Bill 149 would provide protection very similar to the existing law to business people while eliminating the unfairness of that law. Bill 149 would only require that people required to leave publicly used property be given the reason for being excluded. Actions that are incompatible with the public's use of the premises and actions that breach the occupier's reasonable rules are both a good basis for exclusion. Anyone who

behaves improperly can be charged immediately. People could be banned for 30 days each time they misbehave. The ban would be effective even though the banned person objects.

Good managers of publicly used government and private property already realize that the arbitrary exercise of power against individuals is no longer acceptable. Bill 149 will require all managers to be fair. It will still ensure that property owners and retailers can provide a pleasant, safe shopping environment.

#### HIGHWAY SAFETY

Sessional paper P-23, re Highway 69.

**Hon Mr Fulton:** Our government recognized the importance of Highway 69 to Ontario. The Ministry of Transportation is fully committed to an ongoing program to improve this highway.

The construction of the fully paved shoulders on the section of Highway 69 south of Parry Sound was carried out with the intention of providing a workable and economical interim alternative until such time as four-laning through this very high cost area could be completed. As well, paved shoulders provide a high-speed recovery area for errant vehicles and reduce the high cost of shoulder maintenance.

Under normal conditions, queuing problems and driver frustration can be reduced by permitting slower drivers to pull over on to the paved

shoulder, allowing the following vehicle(s) to pass in relative safety.

The practice of pulling over on to the paved shoulder to allow passing is voluntary, and as such, the driver is not legally required to do so. If it is considered safe and prudent to perform this manoeuvre, the driver may use the shoulder to permit passing. Conversely, if some factor such as vehicle width, wind gusts, poor visibility or vehicle speed indicates the manoeuvre to be unsafe, the driver has every right to stay in the driving lane.

The ministry has developed a number of information guide signs to assist motorists to properly use the paved shoulders. The twofold purpose of these signs is to encourage slow-moving vehicles, when conditions are safe, to use the paved shoulders to allow faster vehicles to advance and to prohibit vehicles from using the shoulders to pass.

Highway safety is and will remain the top priority with this ministry. Recent budget announcements have provided the ministry with \$2 billion to upgrade Ontario's transportation infrastructure. Included in these upgrades will be plans to accelerate the four-laning of Highway 69. These improvements to the highway are intended not only to accommodate the heavy traffic loads but to address the issue of safety. More precise details relating to the four-laning of Highway 69 will be released in a few weeks.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Mclash, Frank (Kenora L)

- Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)  
**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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Government  
Publications

No. 47

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Tuesday 25 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



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Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 25 July 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### ONTARIO NEW HOME WARRANTY PROGRAM

**Mr Kormos:** Down in Thorold there is a house builder called B. J. Enterprises. They built several homes on Pioneer Village Crescent in Thorold, and these were purchased by young families. Sadly, these families found that their homes were not built to any acceptable standard. They were able to compile lengthy lists of deficiencies, and these were reported to the Ontario New Home Warranty Program. These young families expected that their concerns would be resolved.

They soon learned that the warranty program relies primarily on the goodwill of the builder. B. J. Enterprises is without goodwill. It is not in their vocabulary. The young families complained to the mayor, to their aldermen and finally to their MPP. Now B. J. Enterprises, rather than repairing the defects in the houses, finds itself lawyers and sues two of the home owners, Charles and Marla Stiles, for slander because they had the wherewithal to complain appropriately to, among others, their MPP. A fine bit of pettifoggery.

A home is the largest single purchase that we will ever make. Slipshod builders like B. J. Enterprises have no business in the building industry. The only protection that young people like the Stileses have is for Ontario's home warranty program to have real teeth. It has to be more than merely advisory. Maybe it is about time that shabby builders who make quick bucks off young couples face some real penalties for ripping off home buyers. Stiff fines and the prospect of a jail sentence might just do the trick.

### HOSPITAL FINANCING

**Mr Jackson:** According to the Globe and Mail of 19 July, the Treasurer has confirmed that the \$850 million allocated for 4,400 new hospital beds in Ontario will now not be forthcoming. This news is particularly cruel for the citizens of Burlington, and especially the board of Joseph

Brant Memorial Hospital. The Burlington hospital enthusiastically accepted this government's promise of a 180-bed expansion as it would help alleviate the severe shortage it was experiencing with its long-term care and chronic care beds.

The hospital organized a mammoth fund-raising drive and raised millions of dollars to meet the community's share of the expansion funding. As late as 23 June the Liberal member for Halton Centre (Mrs Sullivan) was assuring the hospital that the province was close to making a decision this summer. Many hospital boards are now asking the question as to whether they have been misguided by the Ministry of Health into believing that its commitment to provide the beds was a firm one.

Ontario hospitals, unlike the Ministry of Health, acted in good faith on behalf of all those patients who would require those beds, both now and in the future. By playing into the ministry's game of withholding approval and constant review, hospital boards have engaged in downsizing original estimates, closing beds for longer periods and putting excessive strains on emergency and life support programs.

This government is forcing hospitals to pare down the margin of health safety until it is too fragile for the patients whose wellbeing and very lives may hang in the balance.

### HIGHWAY TRAFFIC

**Mr Tatham:** An article in the Economist calls it "Skinner's Chitty Chitty Bang Bang." Sam Skinner is the new United States Secretary of Transportation. He will be presenting a national transport policy. He has a difficult job. In 1987 two thirds of urban interstate highways were officially congested during peak hours, up from two fifths in 1975. For every dollar's worth of American exports, 25 cents is spent on transport and the cost grows with increased congestion.

There are three important issues: first, investment appraisal; second, traffic management; third, pricing. Building heavily used roads with too thin a surface; greater encouragement of car and van pooling; heavy lorries that do most damage to road surfaces are subsidized by light ones. In some states the tax system encourages lorries with fewer axles, even though road

damage is proportional not to overall weight but to weight per axle.

The biggest fault of all is that prices do not rise for peak hour use. Congestion pricing would be unpopular initially, but it may be the best single solution to America's transport worries. Sound familiar? By the way, last year Amtrak overtook the airlines as the top carrier between Washington and New York with its high-speed rail service.

#### 1987 CONSTITUTIONAL ACCORD

**Mr Allen:** A year ago this Legislature passed the Meech Lake accord, along with companion resolutions recognizing multicultural and aboriginal rights as fundamental to Canada and urging the reinstatement of the aboriginal process. Since then the politics of Meech Lake have become complicated by various agendas, even though Meech Lake itself may not in fact be the problem.

The "notwithstanding" clause, for example, is a charter problem. The concerns of women's groups are really with the courts and the charter and not with Meech Lake. Meech Lake is not opposed to naming other fundamental characteristics of Canada, such as its multicultural characteristics or its aboriginal presence, but actually opens up that possibility.

Meech Lake does not preclude a return to constitutional discussions on aboriginal rights in self-government, nor does it necessarily make new national shared-cost programs more difficult. As always, that depends on political will which the current federal government lacks in that respect.

Provincial governments do not get new powers in the proper sense of the term and the unanimity principle for amendment is only slightly extended over the 1982 agreement and only applies to federal institutions. Federal spending power as well as fiscal and economic powers remain intact, and Trudeau was prepared to offer provinces a role in naming Supreme Court judges and senators.

In almost all respects, Meech Lake remains a fair and balanced vehicle for bringing Quebec willingly under the charter and back to the table, without which we can kiss most other constitutional reforms goodbye. Why then has this government to date been so slow in promoting the accord and the approach proposed by the select committee on constitutional reform?

1340

#### LUMBER INDUSTRY

**Mr Eves:** I rise to discuss again in this House the issue of the employees at G. W. Martin

Lumber Ltd at the Mattawa and Rutherglen mills. I understand that the Minister of Natural Resources (Mr Kerrio) is meeting today with representatives of Tembec Inc, a firm from Quebec, which is interested in buying the Mattawa mill and the licences attached thereto.

I would simply remind the minister of his commitment that he will try to see to it that those timber agreements or licences that are attached to the Mattawa mill and the Rutherglen mill do indeed become conditional upon those mills remaining open and those local employees retaining their employment.

I have heard today from representatives of Tembec and from the union of the loggers and the woodworkers to ensure that they do have the timber that is necessary to process at both of those mills, but in particular with respect to the Tembec operation, the Mattawa mill. Everybody seems to be in agreement with respect to this issue, the workers and their union and the company that wishes to purchase the mill and the timber licences.

I would urge the minister to do what he can do to ensure that sufficient volume is there to make these two mills viable operations and that local employment will be preserved in the future.

The union also points out a fact that has never made much sense to me, that some pine and spruce that have been cut in the Mattawa area for years are processed at a mill in Braeside, as opposed to being processed right where it is cut. I would appreciate it if the minister would look into that as well.

#### BRONTE HISTORICAL SOCIETY

**Mr Carrothers:** I rise today to congratulate the Bronte Historical Society on its second annual heritage festival. Last weekend the streets of Bronte were closed and were alive with people. There were displays of everything from the history of Bronte to bronze casting, glass etching and weaving. In addition, youngsters could participate in a kite-flying contest and passersby were entertained by a variety of live entertainment.

The Bronte Historical Society was formed only a year and a half ago, to preserve and enhance the historical heritage of Bronte harbour. One hundred and fifty years ago, Bronte harbour began life as a fishing village and port for the farmers of Halton region and developed a very rich and varied heritage.

In recent years, the pressures of urban growth have attacked this heritage, and we have begun to lose that piece of our historical fabric. The



Bronte Historical Society is to be congratulated for the work it has done in preserving historical buildings such as the old Bronte post office and the Sovereign House, which it is turning into a museum. Without groups such as the Bronte Historical Society, we in this province will lose our very rich and valuable historical heritage.

I also wish to make special mention of Bill and Dorothy Hill, who were honoured by the society for their work in preserving Bronte.

I hope that all members will take the opportunity to visit Bronte harbour this summer. They will be able to enjoy the boardwalk, the stores and the Canadian geese on the beach.

#### ASSISTANCE TO FARMERS

**Mr Kormos:** The Minister of Food and Agriculture (Mr Riddell) demonstrated yesterday that he does not give a damn about fruit and vegetable growers in the province. These horticultural producers, among them apple growers, face serious losses as a result of last summer's drought. Some may well lose their farms, and the province will not give them a penny of assistance.

The minister spouts cheap political sophistry and tries to pass the buck. It is interesting, though, that the minister would participate in a similar program when it came to livestock. Then he was prepared to share financial responsibility with the federal government, but not now. These farmers do not need petty political arguments; they need real help. We should be proud of those men and women who are the food producers. We should be ready to assist them when, through no fault of their own, they need help.

The free trade deal condemned our vineyards and put fruit and vegetable producers at risk. The provincial Liberals are now driving the final nail into the coffin. Is that not what the minister's refusal to provide aid is really all about?

#### TABLING OF INFORMATION

**Mr Harris:** I rise on a point of order under standing order 88(d), Mr Speaker: Since the election of this government, it has become increasingly difficult to get information on a wide variety of matters. In addition to the difficulties we have been experiencing with the timeliness of responses to questions in Orders and Notices, many have been answered a full month past the deadline for response outlined in the standing orders. We have also had serious concerns about the quality of those responses.

Mr Speaker, you will be aware that standing order 88(d) states, "The minister shall answer

such written questions within 14 days." As of yesterday, this government failed to meet the deadline for responses under standing order 88(d) for order paper questions 23 to 25, 70, 81, 88, 89, 93, 94, 96, 125, 144, 151, 152 and 177 to 191 inclusive. That is a total of 30 overdue unanswered questions requested from 11 ministries and the Premier (Mr Peterson). The required responses to these particular questions are currently overdue by a cumulative total of 474 days, more than a full year.

**The Speaker:** Your point of order?

**Mr Harris:** This government is clearly uninterested in responding to very responsible legitimate questions, and the governing order 88(d) indicates to me that the government is not interested in being accountable or is deliberately avoiding accountability.

I know, sir, you cannot force ministers to give quality answers, you cannot force them to table reports and you cannot force them to answer freedom of information requests—

**The Speaker:** The point of order?

**Mr Harris:** —but you do have some power in enforcing the standing orders. Therefore, Mr Speaker, I would ask you take the necessary steps to ensure that standing order 88(d) is complied with.

**The Speaker:** I have listened very carefully to the comments by the member for Nipissing. I believe he is correct in stating that there is a certain length of time in which those questions must be responded to. I will certainly draw the matter to the attention of the government House leader and no doubt it will be looked after.

#### ORAL QUESTIONS

**Mr B. Rae:** I have a question today for the Minister of Financial Institutions (Mr Elston). I notice from the information I have that he is going to be here. I see the whip is nodding his head; I think I can hear him do that from here.

#### ELECTRICITY DEMAND AND SUPPLY

**Mr B. Rae:** I will ask my other question to the Minister of Energy in the absence of the Premier (Mr Peterson). I know the minister has received—because he has issued a press release—the study showing the incredible amount of energy that, according to the advisers to the Ministry of Energy, can in fact be saved by aggressive and intelligent action on conservation. We now have several reports on conservation and its potential to save us from the folly of building yet another Darlington station.



I wonder if the minister can tell us when all these studies will be referred to the Ontario Energy Board so we can have a report from the energy board on conservation, so we can have a report from it on cogeneration and so the energy board itself can be intimately and actively involved with the critical decisions of this government over the next year with respect to the future of energy supply in Ontario.

**The Speaker:** Thank you. The question has been asked.

**Hon Mr Wong:** I would like to answer by saying that after Ontario Hydro has presented to the government and to the public of Ontario its preferred plan, it is the government's intention to make sure there is a public input mechanism. Whether this is the Ontario Energy Board, a tribunal, a committee or some other forum has not been decided yet, but I think the answer to the spirit of the question of the honourable Leader of the Opposition would be to say that that process should begin in the fall.

**Mr B. Rae:** I was astounded that the minister has changed his approach from what it was just a short time ago, because earlier on the minister made it very clear that he wanted the energy board to be involved and to be the government body that would have the responsibility for assessing the information that is provided to it by outside experts who should be plugged right into Hydro right now.

I want to ask the minister why he has backed off the commitment he made that the Ontario Energy Board would have the power and the authority to advise this government officially as to what conservation is possible, not accepting Hydro's figures, and what cogeneration is possible, not accepting Hydro's figures. Why has he backed off his commitment to give that jurisdiction to the energy board?

**Hon Mr Wong:** We have not backed off. Let me say that, as the honourable member has indicated, there are certain duties and tasks that, I am quite confident, the energy board could handle in a very excellent way. The question of avoided costs would be one possibility, but in addition there are other concerns, social and environmental concerns.

This government has decided to take a very thorough, comprehensive and prudent approach to determining exactly what body it should be that analyses this preferred plan that will take this province from here to the year 2010 in terms of making sure it has reliable, safe supplies of electricity.

1350

**Mr B. Rae:** The minister knows full well that Hydro has incredible bureaucratic capacity, that Hydro has an extraordinary institutional view, that Hydro has a direct relationship with the Premier (Mr Peterson) and with the Premier's office in terms of where it wants to go.

The minister is dealing with Hydro, and his predecessors have said they were mugged by Hydro in the corridors of power. That is exactly what is happening to him. The minister does not have the institutional power to deal with, to balance and to counterbalance that power of Hydro. What I am asking the minister is this: Why is he ignoring the clear authority, the capacity, the personnel, and the expertise of the Ontario Energy Board to counterbalance the extraordinary influence that Hydro is going to have on this decision?

**Hon Mr Wong:** In terms of institutional legislative clout, let me remind the honourable member that this government's amendments to the Power Corporation Act have been designed to ensure that Ontario Hydro is more responsive to government policy and to public priorities. Let us ask in the area of demand management, in the area of small hydro generation, cogeneration, and parallel generation policy: What do the people in the industry say? I would be more than pleased to read this news release that came from the Independent Power Producers' Society of Ontario, the people who speak for the private sector producers of electricity in this province, one day after we announced our parallel generation policy last week. The society writes that, "This puts Ontario's policy 10 steps ahead of anywhere else in Canada." I think that speaks for itself.

**The Speaker:** Does the Leader of the Opposition still wish to stand down his question?

**Mr B. Rae:** I will stand down my question, Mr Speaker, as long as I have the assurance of the government whip that in fact the Minister of Financial Institutions (Mr Elston) is going to be here today.

**Mr Reycraft:** I have been assured, Mr Speaker, that the Minister of Financial Institutions will be present this afternoon. He will be here very soon.

#### SUPPLY OF TEACHERS

**Mr Brandt:** My question is for the Minister of Colleges and Universities and it is related to the anticipated number of graduate tech teachers who will be coming out of college this year. The

numbers that we have are that there will be 118 graduates who will be prepared to teach in those particular programs, where in fact the need that has been identified is some 370 teachers, for a shortfall of 252 technical teachers in our school system.

Is it her intention and the intention of her colleague the Minister of Education (Mr Ward) to fill those 252 positions, that she cannot fill as a result of a shortage in graduates, with either underqualified or unqualified teachers in this fall's session of the school system?

**Hon Mrs McLeod:** I do believe that on earlier occasions my colleague the Minister of Education has spoken to the concerns of members of the opposition about potential teacher shortages in the future and he has provided assurances that there will be qualified teachers in our school system.

I can certainly add my assurance that we have been working very closely with the Ministry of Education to anticipate shortages and have for some past years, in fact, been anticipating those shortages and have been taking steps to increase the numbers of people who are in our faculties of education. We have increased the numbers of people in the past two years by some 10 and 13 per cent. There will be a further increase again this year as a result of our program adjustment funds.

We are confident that in fact we can respond to the need for additional numbers of teachers in the future.

**Mr Brandt:** The minister may be confident, but I am very concerned, as are members of my party, about the identified shortfall that is going to materialize as a direct result of the lack of preparation and the lack of planning of her government. Her Premier (Mr Peterson) constantly talks about the need to prepare the students of tomorrow for the very competitive international world of trade that we are going to be entering as a result of Europe 1992, as a result of free trade, and as a result of competition from the far east. All of these factors are becoming a reality in the world that we live in.

The Minister of Colleges and Universities (Mrs McLeod), the Minister of Education and particularly the Minister of Industry, Trade and Technology (Mr Kwinter), should be concerned about the fact that fully 60 per cent of the teachers that the Minister of Colleges and Universities is going to be needing in the high-technology area are not going to be available this year.

She talks about having all of those positions filled by qualified teachers. My question is, is

she prepared to give this House the assurance today that there will be no unqualified teachers used in our system in the coming term?

**Hon Mrs McLeod:** I think the honourable member knows that the responsibility for teacher qualifications lies with the Ministry of Education and that he is asking me to comment very specifically on an area of responsibility which is not within my ministry.

I can give the members of this House absolute assurance that we are working closely with the Ministry of Education to anticipate shortages, that we have been doing that for some time and, as I have indicated, that we have put substantial amounts of new program adjustment funds—which will total some \$5.5 million this fall—into increased numbers of spaces in our teacher education faculties. That is one of the ways in which we provide support to the Ministry of Education to ensure that there will be qualified teachers available.

I think the honourable member is also aware at the same time that some years ago it was recognized that there was a concern about teacher education in Ontario, and a select committee on education was struck to review teacher education. As part of the concern about potential shortages, a committee to study supply and demand was established.

I think the member knows that as a result of that we have established a council on teacher education, which will be looking at specific subject areas, shortages in those subject areas and what we can do to address those shortages.

**Mr Jackson:** The Minister of Education controls qualifications, but the Minister of Colleges and Universities clearly controls the number of qualified persons who come on the market. There is a growing gulf of confidence in the perception out there as to whether her government knows how to plan adequately for the manpower needs of our post-secondary education.

According to a recent report prepared by the Association of Universities and Colleges of Canada, clearly 30 per cent of current faculty members will need replacement over the next decade. In our universities, 7,500 PhDs will be required, and yet the demand is clearly in the neighbourhood of 16,000.

When figures such as these, which have been accurately measured, indicate that there will not be an adequate supply of qualified professors in our post-secondary institutions, how does the minister expect to produce the world-class engineers and scientists needed to keep Ontario



competitive in the areas of aerospace, telecommunications and pharmaceutical industries, if that is the commitment of this government to excellence?

**Hon Mrs McLeod:** Although the member has switched from the availability of qualified teachers in the secondary school system to the availability of qualified faculty in the post-secondary system, he still has taken a certain technology emphasis.

I am anxious to respond to the question about qualified faculty. Perhaps I should begin with that and recognize the fact that, again, I think there has been considerable foresight by this government in an earlier day, when it established a faculty renewal program at a time when in fact there was no recognized concern about future shortages; there was concern about lack of mobility.

By ensuring, through that program, that we would bring on tenured faculty, we have in fact provided some additional tenured staff that will be in place when shortages occur. At the same time, when accessibility funding was provided, I think our ministry showed considerable foresight in ensuring that those accessibility funds would extend to graduate programs. So we have in fact increased the number of people in our graduate programs by some five per cent last year, so that we are producing more trained faculty.

I cannot resist adding that it is interesting that we should focus on technology because there has been, I think—

**The Speaker:** Thank you.

Interjections.

**The Speaker:** Order. We will revert to the Leader of the Opposition.

**Mr B. Rae:** I know how important flow is in this business. I think the Tories are on a roll, so we will just let them go.

**Mr Adams:** First roll they've been on for a long time.

**Mr Faubert:** It's all downhill.

**The Speaker:** Order.

1400

#### AFFORDABLE HOUSING

**Mr Harris:** I would like to flow along to the Minister of Housing here. About two months ago I asked the minister about the total per-unit cost of the St Lawrence Square housing project in Toronto. For some reason, in spite of the great announcement that the minister is concerned with this project and in spite of her supposed interest, she was unable to answer that question

or provide me with the information. I asked it because it has been estimated that costs may now exceed \$200,000 per unit, way above the ministry's defined affordable housing range, 25 per cent higher than the range she has imposed on municipalities.

Again today I would like to ask the minister that simple question. What is the most recent projected cost per unit of the St Lawrence housing project?

**Hon Ms Hošek:** That development has been proposed on a break-even basis using existing government programs. The commitment by this government on the nonprofit program represents about \$215 million. The cost of the entire project will be based on the final cost, but the cost of the land, which is the single most important component, is based on the market value as of 13 July 1988, which is the date the agreement was signed.

I cannot give the member greater detail than that because the discussions going on between the city, Metropolitan Toronto and the land owners are ongoing right now. The final cost will very much depend on that and on the process of building which will take place over a number of years.

**Mr Harris:** I do not know anybody, other than this minister and this government, who proceeds with major projects with absolutely no idea how much they are going to cost. In the desperate bid for a headline redemption before fading in the history books, this minister has lost sight of the three things that make a mockery of government-sponsored affordable housing in this province: (1) lack of tendering, (2) lack of planning and consultation and (3) that delays and price increases are caused by her own government red tape.

In Newmarket 375 affordable units may be abandoned because they have gone up \$20,000 after being stalled by her. In North Bay, provincial policy has priced the Project 3000 units, 24 units, at over \$100,000 now. They are out of the affordable range and will not be able to proceed.

Does the minister not understand that by ignoring the problem and talking in headlines about the symptoms, it is indeed her own government policies that are making the affordable housing problem worse in this province?

**Hon Ms Hošek:** The minister understands very well that the member opposite likes to create a stew made up of six questions on 12 different topics, presented in the most confusing way possible. Let me respond to the member's



question. I do not object to people who cook, but I do object to questions of that sort that are so confused.

Let me point out something to the member. When we made our commitment on the St Lawrence project, we said it would house many people, that it would cost around \$1 billion, that we would be working with the municipality and that we in the province stood behind the work of the municipality. But it was the municipality that was going to do the expropriations and do the first stage of building and that we would make a commitment to nonprofit housing units on that site. That commitment stands. When that project comes more fully into fruition, I will invite the member to come with me, take a look at the buildings that will be built there and say hello to all the people who will be very grateful to be living there.

The member has concerns about his riding in Nipissing. Let me point out to the member that in 1985 there were 16 subsidized units in his community in North Bay. The total number in 1988 was 265. The reason for that is very clear. The reason for that is because of the policies of this government, the commitment of this government and the resources of this government to build nonprofit housing where it is needed all over Ontario, including in the member's riding in North Bay, which had 16 units when his party left office.

**Mr Harris:** The minister seems concerned that I ask too many questions. She never answers any of them and then she insists on talking about North Bay, where she says there are now 265 units. If she is going to spend her researchers' time and all the staff time digging up this silly stuff in my riding, the total now is—

Interjections.

**Mr Harris:** —the total now, assisted, in my riding—

Interjections.

**Mr Harris:** Do they not want to hear the facts?

**The Speaker:** Order.

Interjections.

**The Speaker:** Order. Will the member place the supplementary?

**Mr Harris:** Thank you, Mr Speaker. For the minister's information, the total in North Bay is not now 265, it is 1,560, most of which were approved or in the works before she took office.

**The Speaker:** Is that your question?

**Mr Harris:** To get back to the questions that we were asking, this spring's budget states that

\$2 billion has been committed under the Homes Now program. I believe the taxpayers should know what projects have been approved, where they are located, when they will come on stream, how much they cost per unit—

**The Speaker:** And the question?

**Mr Harris:** —how many are being tendered and what developers and consultants have been awarded. The budget provides an additional \$1 billion. I think—

**The Speaker:** Order.

**Mr Harris:** I believe the taxpayers should know if they are getting value for money.

**The Speaker:** Order.

Interjection.

**The Speaker:** Order.

**Mr Harris:** You want me to ask a question.

**The Speaker:** Order. You just did, "Are the taxpayers getting value for their money?"

Interjections.

**The Speaker:** Order. You have asked a question.

Interjections.

**The Speaker:** Order. Minister.

**Hon Ms Hošek:** The Homes Now proposals which were announced in the budget before last include a \$2-billion commitment to use Canada pension plan funds to build 30,000 units of nonprofit housing and a commitment to the subsidized costs of the rents of those units. In the first year we announced 21,000 of those 30,000 units. The additional resources that we have been given in the budget should make it possible for us to make sure that we build the 30,000 units that are required.

The member opposite knows very well also—

**Mr Harris:** Yes, they've gone up a billion dollars in one year, the same number of units, from \$1 billion to \$2 billion.

**Hon Ms Hošek:** If the member opposite were interested in the answer, he might be willing to listen to it.

The member opposite also knows very well that we have a procedure for making sure that our allocations are conducted appropriately, that we conduct internal audits on the value of what we are building, that we have a maximum unit price set in all the different parts of the province based on the cost of building in those different parts of the province and that we have our own internal audit process and the Provincial Auditor to make sure that we do indeed get value for money.

## COULTER FINANCIAL CORP

**Mr B. Rae:** My question is to the Minister of Financial Institutions. I have some questions to the minister about the receivership that was placed on the interests of various companies controlled by Mr Coulter, who is a mortgage broker, in Ottawa. The minister was asked some questions about this already, but I have some additional questions I would like to put to him.

I wonder if the minister can tell us: How many times was this company inspected by inspectors of the Ministry of Financial Institutions in 1989?

**Hon Mr Elston:** If I am informed correctly, I think they were in the offices there once prior to their going in now.

**Mr B. Rae:** The minister will know that, according to the Ottawa Citizen, an accountant's report that was filed with the court at the time of the placing of these three companies in receivership stated that 25 per cent of the mortgages that are involved here—and we are talking about 1,300 people with mortgages worth about \$76 million—were either in default or at risk, which the minister will know is roughly eight times the ratio that would exist in a bank or a trust company, for example.

I wonder if the minister can tell us: Exactly what was the date of the inspection by his ministry that took place, and did the inspectors find that this figure of 25 per cent of the mortgages in default was the case when they went in prior to this month?

**Hon Mr Elston:** It was early in the year, obviously earlier than now. I do not know the exact date, and they did not find that 25 per cent of the mortgages were in default at that time.

**Mr B. Rae:** It is hard to believe that 25 per cent of your business is going to collapse in the space of three or four months. That just strikes one as being literally incredible.

1410

Mr Coulter was appointed by the government to the board of the Ontario Mortgage Corp in March of this year, which presumably is a sign of confidence of this government in Mr Coulter's abilities. I wonder if the minister can explain how it would be that his inspectors apparently would give approval to the activities of these three companies, apparently would find that there were no problems—I have not heard the minister state anything to the contrary—and appoint Mr Coulter to the board of the Ontario Mortgage Corp, when a short couple of months later 433616 Ontario Ltd and the two companies which it controls, Kiminco Acceptance and

Coulter Financial Corp, were put into receivership by the Canadian Imperial Bank of Commerce.

**Hon Mr Elston:** The analysis that is being done now in conjunction with the bank, the receiver appointed by the court for the bank, and in conjunction with Coopers and Lybrand, which has also been placed to oversee other companies in the chain, has divulged in fact that there are problems that were not evidenced by the filings and the material which was reviewed.

The analysis being done now by the people from the Ministry of Financial Institutions, in addition to that being done by others, will tell us exactly why there were not found to be problems at that time. We will then know more about the difficulties which have surfaced now as opposed to having surfaced earlier.

Until very recently all of the payments in relation to investments were being made, and there was an ongoing financial activity that would have indicated that all was going well with the corporations.

With respect to the appointment of the gentleman to a provincial board, I think it is fair to say that the gentleman has been held in the highest regard in Ottawa, in the community. He was looked upon as being of the strongest and highest quality of character. He has been seen to be a leader in his industry, and this event that has occurred has been seen to be a major catastrophe—

**The Speaker:** Order. That is a fairly comprehensive answer. New question.

## WITNESS PROTECTION PROGRAM

**Mr Kormos:** I have a question to the Attorney General. Once again, Robert Héту, drug trafficker, now child molester, has lived under the witness protection program since 1983 and continues to enjoy that special status. His spouse tells me that he was never without large amounts of cash. We know that at least once, notwithstanding that he claimed protection, he returned to Montreal to spend Christmas with his parents. My question is: Just how much money did Héту get from the province since 1983 and how much is he getting now after he pleaded guilty to molesting those children?

**Hon Mr Scott:** As the honourable member knows, this person, in order to protect him from physical injury because he gave evidence for the crown in the case of a very violent gangland murder, was admitted to the witness protection program in 1983 under terms that provided a



change of name and certain other protections and advances.

Since 1985, those protections would be incorporated in a formal agreement. We have done that so there will be no confusion about what those benefits may be. Those payments have now been terminated, the time limit during which they were granted having expired.

In the meantime, Mr Héту, who is being charged under his new name, is alleged to have committed some other offences, and is being charged. There is no suggestion of immunity or a special deal or any other protection. If he is out on bail, that is because the court has made a decision that he would be on bail pending his conviction and pending his sentencing. That is a determination made by the court, not by the ministry. My honourable friend can try to make all the mileage out of it he wants, but at the end of the day he has to deal with the facts.

**Mr Kormos:** Let's deal with the facts. It is no longer an allegation; the man has pleaded guilty, to four counts of molesting young children.

**Hon Mr Scott:** All your clients did.

Interjections.

**The Speaker:** Order.

Interjections.

**An hon member:** Recess time.

**The Speaker:** It is close to that. Supplementary?

**Mr Kormos:** Prior to that, on a point of privilege, Mr Speaker: The comment made by the Attorney General is one that is entirely improper. He knows it. Among other things, it is inaccurate. If he knew as much as he would purport to know, he would know how inaccurate it is. I would ask, in view of the nature of that comment, that the Speaker call upon the Attorney General, who should know better, to withdraw that comment.

**The Speaker:** You do not have a question?

**Mr Kormos:** Yes, I have a supplementary. We were told yesterday by the Attorney General, and we are told once again, that Héту continues to enjoy these special rights, that notwithstanding his pleas of guilty, he is still in the witness protection program. The district court judge who is going to be sentencing Héту in October was very specifically told that Héту was in the witness protection program. The Attorney General, who is a lawyer, should know that that is not a particularly relevant consideration on the part of a sentencing judge. He has mentioned the agreement.

**The Speaker:** The question?

**Mr Kormos:** The concern is the effect that agreement is going to have on the sentencing judge. The question is specifically: What was the agreement and what will the Attorney General do to ensure that Héту is properly sentenced to jail and not given special consideration by virtue of that special status?

**Hon Mr Scott:** The honourable member, in the Toronto Star last week, is reported to have said, as he has been saying here: "The Attorney General should act immediately to ensure that criminals like Héту should not continue to be shielded by the province." Factually, that assertion is incorrect. The provisions of the agreement expired some time ago, before Mr Héту was convicted. He is not being shielded by the province at all at the moment. The terms of the agreement have expired.

He still has the benefit of the new name that the program gave him, but he is being charged under that name. He has been convicted in a court. He pleaded guilty. There is nothing wrong with that. The courts take that into account on sentence, when a plea of guilty rather than a trial is issued. He pleaded guilty and he will be sentenced by the court in October. If he is at large now, that is not because the crown attorney wants it that way; it is because the court has decided that that is appropriate disposition of the matter.

I want to assure the honourable member that this man was charged as promptly as could be done and was dealt with in the ordinary way. A conviction was achieved without any concessions of any significance of which I am aware, and the sentencing will be dealt with in the perfectly normal way and determined by the judge in the way that we are used to having it determined in the province. He is not being shielded by anybody. In fact, we are prosecuting him as vigorously as we can.

**Mr Kormos:** On a point of privilege, Mr Speaker: I give you notice, but you were here and heard the comments made earlier by the Attorney General. The comments were to the effect that I was—I think up here in Toronto they call it a dump truck. The Attorney General made a comment that was dishonest and false, and I am asking—

Interjections.

**The Speaker:** Order. It is not a point of privilege, and the member has now accused another member.

**Hon Mr Scott:** On a point of order, Mr Speaker: I did not refer to the honourable



member as a dump truck. If he took any offence from the remark I made, I apologize for it and I withdraw it.

**1420**

**The Speaker:** Now will you withdraw, Mr Kormos?

**Mr Kormos:** I will withdraw the comment that it was dishonest; it was merely false.

Interjections.

**The Speaker:** Order. Under the circumstances, will you withdraw? With a yes or no.

**Mr Kormos:** Yes, Mr Speaker.

**The Speaker:** Okay.

Interjections.

**The Speaker:** Order. New question. The member for Carleton.

**Mr Sterling:** Thank you very much, Mr Speaker.

**Some hon members:** Boo.

**Mr Sterling:** I think they want me to withdraw.

Interjections.

**The Speaker:** I believe the member for Carleton has a question. To which minister?

**Mr Sterling:** To the Minister for Financial Institutions.

**Mr Speaker,** if this House were run properly by the government House leader, we would not be here in the middle of July.

**The Speaker:** Is there any other member who has a question?

#### COULTER FINANCIAL CORP

**Mr Sterling:** I have a question for the Minister of Financial Institutions. He was mentioning earlier, to the Leader of the Opposition (Mr B Rae), that his people went in to investigate the Coulter group of companies early in the year. I have three matters I would like the minister to relate to the Legislature in regard to that investigation. Did the ministry go in in response to a request from a disgruntled investor; what kind of investigation took place; and what did it find?

**Hon Mr Elston:** I have not yet gotten a full report, because the activities of my ministry have been designed to assist in dealing with the court-related matters and sorting out the issues of stability of the various investments. I cannot tell the honourable gentleman exactly all the detail he wishes now, except to say that it was a spot-check and not instigated by a complaint, as far as I know. If that is incorrect, I will advise

him so at a later date. I am looking for an entire report as soon as some of the matters in the initial inspections are resolved, and I can undertake to provide that to the members, particularly in the Ottawa area or to any of those who require such information.

**Mr Sterling:** This investigation and this receivership have now been going on for a matter of a week or two weeks. I find it unacceptable that the minister does not have that information at his fingertips at this moment. Thirteen hundred investors in the Ottawa-Carleton area might have lost up to \$76 million in this fiasco. It appears, according to the receiver, that a great deal of the money secured by Glen Coulter, Diane Coulter and the corporations involved, through promissory notes, has not been accounted for. Has the minister asked the police to assist him in his investigation of this matter?

**Hon Mr Elston:** I can tell the honourable gentleman that the police have in fact been involved for some time, but I am not able to give the member further details, other than to say that like the other creditors, there appeared when the spot-check was done that nothing was out of order. The involvement of the high number of authorities and representatives on behalf of creditors I think would indicate to the member that there is indeed an incredible complexity to the transactions that were occurring. We are looking for the nature of those complexities, as to what might have gone wrong, how it went wrong and what things were done to conceal the problems from people who were willing to be investors in the organization.

Again, I have to say that in the community, from what I can tell, although I do not know the gentleman personally, he was held in the highest regard, that people felt he had shown an incredibly good track record with respect to investments, having been in the business for over 15 years, and was seen to be a leader in his industry. I think that has obviously led to the considerable surprise about the catastrophe which has struck some of the investors.

#### DEVELOPMENT OF GOVERNMENT LAND

**Mr Faubert:** My question is to the Minister of Housing. Yesterday the minister, in a statement to this House on behalf of her ministry and the Minister of Government Services (Mr Patten), announced the government's intention to apply for a local planning approval for a 9.3-acre site on the northeast corner of Ellesmere and McCowan roads in my riding of Scarborough-

Ellesmere. The proposal features 540 residences and some 785,000 square feet of office space.

Yesterday, in response to that statement, the member for Nipissing (Mr Harris) left the impression that the city of Scarborough had not been made aware of the province's long-standing and public intention to provide a housing component on this site. Can the minister advise this House if the city of Scarborough officials had been made aware of the government's plans?

**Hon Ms Hošek:** In April 1988 the Minister of Government Services and I announced five provincial sites in Metropolitan Toronto that were going to be released for housing. This particular site in Scarborough was one of them, and I have the news release here in which that was announced. It was 13 April 1988.

We worked closely with the municipality and there were consultations with the planning department, the local ratepayers and so on to discuss this site. So it has been part of a discussion about Housing First initiatives and housing initiatives since April 1988.

**Mr Faubert:** In response to the Minister of Housing's statement, the member for Nipissing also made the comment that because the ministry wishes to proceed with its publicly announced plans to provide housing and needed office development on this site, the city of Scarborough's bid for an aquatic facility for the 1996 Summer Olympics is somehow threatened. Can the minister advise if that statement has any validity, or is this just another inaccurate allegation by the opposition?

**Hon Ms Hošek:** I understand that Scarborough has proposed two sites in addition to this one for a potential aquatic centre. I also understand that the city owns about seven and a half acres just north of the site we are talking about which has been proposed for Housing First. I understand that there are at least two sites which the city itself has proposed plus the site I know about that is just a bit north of ours, which is owned by them, which might be appropriate for an aquatic centre.

If, indeed, the city of Toronto or the Toronto area does get the 1996 Olympics, and Scarborough is chosen as a site for an aquatic centre, there are at least three sites available for that purpose.

#### HOME CARE

**Mr Reville:** My question is for the Minister of Community and Social Services. The minister knows that the Red Cross provides homemaker

services to about 180,000 mainly elderly Ontario citizens.

Their deficit has not yet been covered by the government, which strikes me as odd given that this minister, in connection with the Minister of Health (Mrs Caplan), recently announced a long-term care planning process. Of the many principles noted in the process were these three: to emphasize services in people's homes, to encourage the use of the most appropriate cost-effective service and to support care givers.

Given that this planning process will not conclude until 1990, I think it is, and given that in the meantime the deficit situation the Red Cross is facing will diminish its capacity to deliver home care services, would the minister not now agree to do what can be done to pick up the remainder of the deficit so we do not lose that capacity?

**Hon Mr Sweeney:** The honourable member will be aware of the fact that in the preceding year we paid, I believe, about \$1 million to the Red Cross for last year's deficit. At that time, when I made that announcement I indicated that we would also pick up the deficit for this current fiscal year. I added, however, that this would be based upon a review by my staff of what properly constituted the components of that deficit. That, in fact, has been done. We have agreed to pay \$1.6 million this year towards the Red Cross.

#### 1430

The Red Cross, however, has indicated to us that it believes its deficit will be considerably higher than that, as a matter of fact. We have agreed to the \$1.6 million. We also have agreed to review a second time further components of that, and if the second review indicates that a higher number should be allocated, then I am quite prepared to authorize that. I should say to the honourable member, however, that it is not likely that the figure the Red Cross is using is the number that will be approved.

**Mr Reville:** I am very relieved to hear part of the minister's answer for sure. The Red Cross has indicated to me and, I am sure, to the minister, that it believes its deficit is going to be about \$3.7 million and that the minister's offer amounts to taking about half the water out of the boat, in terms of the bailout.

I am sure the minister also remains committed to the process of deinstitutionalization that his ministry has been well known for, and to doing whatever must be done to ensure that people are cared for in their homes, as far as that is possible. I just hope he will reaffirm his commitment to looking very carefully at the elements of that



deficit to make sure that the Red Cross can continue to deliver those homemaking services that people rely on.

**Hon Mr Sweeney:** There is no question—at least in my mind, and I believe in my colleague's mind—as to the validity of the service the Red Cross provides.

Part of the small disagreement between us at the present time is about those components of the deficit which are add-ons to what they are currently offering. In his original question, the honourable member pointed to my recent announcement of a complete rationalization of the Ministry of Health's and my ministry's programs for long-term care. We have said to the Red Cross that while that rationalization is going on—and quite frankly, I am required by cabinet to have a report to them by the end of September—we did not want them to add on to their program or expand it. Quite frankly, I believe they are going to, but we want it to fit into that overall rationalization.

In the meantime we have said to them, "Please hold the line." It is the distinction between holding the line and the desire to expand prior to rationalization that is creating the current disagreement.

Let me reiterate. We have clearly said the \$1.6 million is there. There may be more than \$1.6 million. I think I can say almost with certainty there will not be \$3.7 million.

#### ASSISTANCE TO FARMERS

**Mr Villeneuve:** My question is to the Treasurer, the Deputy Premier, a very powerful member of cabinet and a farmer himself. Can the Treasurer explain why, one year after the 1988 drought here in Ontario, he has not yet decided on Ontario's participation in crop drought assistance? While the western provinces have come to an agreement with Ottawa, Ontario has not. A contributory participation of \$38 million would bring \$152 million—I emphasize this amount—to Ontario's fruit, vegetable and cash crop producers. This is good business for everyone. Is it not good business for the Treasurer? What is he waiting for?

**Hon R. F. Nixon:** The Minister of Agriculture and Food will answer that question.

**Hon Mr Riddell:** During the member's absence from the House over the last two weeks that same question has been asked four or five times, and the answer remains the same.

The honourable member knows that the crop drought relief program was announced at the time of the last federal election as being a federal

program, and every article one picks up indicates very clearly that it is a federal program.

I commend the apple growers for trying to get their share of the \$850 million and would ask that they continue to work with us to pressure the federal government into living up to its commitment. So I would hope members opposite would work with us, contact their local federal members of Parliament and I would even join the group in a bus trip down to Ottawa. As a matter of fact, I will be going to the federal ministers' convention at the end of this week and once again I will put all kinds of pressure on Mr Mazankowski to live up to his commitment. If he does, then that \$150 million the member is talking about—

**The Speaker:** Thank you.

**Mr Villeneuve:** Ontario has not done its homework. We still do not have representation on the board. In a press release dated 9 January 1989, entitled "Livestock Drought Assistance," Ontario's stated reason for participating was: "The program was first announced in western Canada. Producers there would have an unfair advantage over producers in Ontario if no program were offered here."

What is the difference between livestock and cropping? There is discrimination here. Within the ministry, \$55 million scheduled for Ontario agriculture went unspent last year. Now that the western provinces are receiving crop drought assistance and Ontario may not be participating, can the minister explain why he would not put in \$38 million, appoint two people to the board and make sure that Ontario's fruit, vegetable and cash crop producers—

**The Speaker:** Thank you.

**Hon Mr Riddell:** Talking about my budget, I have to say once again that we have increased our budget by 78 per cent since we formed the government. When the member talks about direct transfers of payments to farmers, we have increased the budget by 100 per cent. He was the one who raised the—

**The Speaker:** Order.

**Mr Brandt:** On a point of order, Mr Speaker: In response to a question yesterday, the minister said he had increased his budget 100 per cent. Which figure is correct?

**The Speaker:** That is not a point of order.

**Hon Mr Riddell:** If the member had been listening, he would have heard me say that from the standpoint of direct payments to farmers, we have increased the budget by over 100 per cent.



## WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM

**Mr D. R. Cooke:** My question is to the Minister of Labour. Two and a half years ago a chemical fire took place at the Horticultural Technologies Ltd warehouse in Kitchener. Since that time, one fireman who was at the scene has died of a rare form of cancer. Eleven others have developed kidney, gall bladder or liver problems. A police officer who was at the scene is now suffering from kidney disease. At the time of the fire, the company's owner could not be reached. The firefighters were forced to battle the fire without any knowledge of the possible toxicity of the chemicals that were burning.

The Kitchener Fire Department has since tried to compile a computerized list of chemicals stored in the area's businesses, but they may run into some difficulties because companies only have to disclose this information on a voluntary basis.

Does the Minister of Labour have any plans to aid these firefighters and other emergency service workers in their attempts to create a safer workplace?

**Hon Mr Sorbara:** I want to tell my friend the member for Kitchener that the tragedy that happened in his community two and a half years ago is a perfect example of why this government passed Bill 79, the Workplace Hazardous Materials Information System, legislation which was passed in this House by this Parliament some two and a half years ago under the careful guidance of my predecessor, now the Minister of Consumer and Commercial Relations (Mr Wrye).

Not enough people know that under Bill 79 there are provisions which will come into force and effect in October 1990 which will require that every business have on file and make available to fire departments all across the province a floor plan and an inventory of all hazardous materials that are in those workplaces. It is part of the community right-to-know provisions of Bill 79 and my expectation is that once that is fully implemented, the kind of tragedy that we had in the member's community will not happen again.

1440

**Mr D. R. Cooke:** Can the minister assure us that the time frame he is setting out will be adhered to?

**Hon Mr Sorbara:** I believe we will be able to meet that time frame. When the bill was passed, there was some resistance to the requirement—a new requirement for employers, but we believe

an extremely important one—to keep an inventory, to have a floor plan and to make that inventory and that floor plan available to the very people in the communities, like fire departments, who are there to protect public safety.

We deal with all sorts of hazardous materials and the WHMIS system, which gives the worker the right to know what it is that he or she is dealing with, has been extended under that bill to a community right-to-know provision that we think will make a dramatic difference, through better information and better knowledge, in the management of these materials in our communities right across the province.

## HANDLING OF CONTAMINANTS

**Mr Mackenzie:** I have a question for the Minister of the Environment. Back on 11 July, I asked the minister if he was aware of the number of polychlorinated biphenyl-contaminated transformers and large amount of asbestos on the number 3 open hearth furnace site at Stelco, which is undergoing demolition, and if he could produce an order or any documentation of procedures to be used on this site. The minister said he would take the question as notice and be pleased to look into it and get back with all the necessary details at the earliest possible opportunity. Can the minister tell me if he has any answers to that question?

**Hon Mr Bradley:** In fact, I have directed to the member a letter on this matter. He probably does not have it yet, but as he has asked the question in the House again, I will bring forward some of the material that is contained in the letter.

First of all, the Ministry of the Environment has requested a plan from the demolition contractor for the moving of these particular transformers in a safe manner. Staff from the ministry have visited the site with the contractor to determine which transformers can safely be transferred now and which must be stored onsite until some partial demolition is in fact completed. All transformers will be transferred to an approved PCB storage site under regulation 11/82.

Triple M Construction is handling the asbestos and is licensed to do so under certificate of approval A820341 for commercial nonhazardous solid industrial waste and asbestos. I am informed that all necessary safety precautions are being followed during the bagging of the asbestos. No asbestos had been moved offsite at the time this information was provided to me, and it was being stored in a building.

The member would know that—

**The Speaker:** Thank you. It seemed like a fairly comprehensive answer.

**Mr Mackenzie:** Some of the questions that the workers have been trying to find out about is what they are doing with the transformers as they move them, and where, and what they are doing in terms of the bagging of the asbestos.

I am wondering if the minister can also tell us if he is aware of the contents of the two underground lagoons and the sludge that is beginning to radiate from those lagoons out to the ground under that particular property.

**Hon Mr Bradley:** That is some additional information that I will attempt to get for the member.

I have a note here that says the asbestos was removed prior to the roof being dropped; that was another factor he had raised before.

We have no specific jurisdiction over the demolition. The Ministry of Labour has that specific jurisdiction, although we are involved in a commenting way. The Environment Ontario staff are ensuring the safe storage and transport of PCB-containing waste, as well as the safe handling, transport and disposal of the asbestos.

The member had asked whether the Ministry of the Environment people had been ordered off the property. I am informed they had not been ordered off the property. I wanted to clear that up.

I will attempt to determine the additional information the member has requested.

#### ELEVATORS

**Mr Runciman:** My question is to the Minister of Consumer and Commercial Relations. It has to do with the death of Sagal Samanter, age 13, several months ago, as the minister will recall, in Ottawa. In a very tragic accident, the girl had her spine severed when she was caught between an elevator floor and the frame. We were told afterwards that there was an outdated panel on that elevator which ministry staff knew about for a number of years but did not take any action on.

I would like to know today specifically what the ministry did in response to that accident in terms of increasing elevator inspections and increasing manpower.

**Hon Mr Wrye:** In terms of the overall manpower problem, we have received an additional resource allocation for the elevating devices branch and attempts are now under way to hire more inspectors. I will share with the honourable member quite candidly that we have staff shortages in the Ottawa area. If memory

serves me correctly, we have a vacancy, and one other staff member is on long-term disability.

I say to the honourable member that we are having, as are the elevator maintenance companies, some considerable difficulty in filling the vacancies. Apparently, these very highly skilled people are in quite short supply throughout the province and indeed throughout the country. We have been given Management Board of Cabinet approval for additional staffing, but it is proving quite difficult to fill those vacancies. We are seeking to do so in the Ottawa situation. Because of our shortages, we have moved one person to Ottawa over the short term.

**Mr Runciman:** Effectively, what the minister is saying is they did nothing following the death of Sagal Samanter, and I think a case of negligence could be made. Two months following her death, a 71-year-old tourist also was killed in an elevator in Ottawa, in the Lord Elgin Hotel.

I might point out that this minister has doubled his personal staff, in terms of staff of Conservative predecessors in that office, despite a significant reduction in responsibilities. The minister obviously has not heard of contracting out to the private sector. If he reduced his staff to the former level, he could have approximately 10,000 inspections across this province.

**The Speaker:** Question?

**Mr Runciman:** Is the minister prepared to take action to ensure the safe operation of elevators in this province? He certainly has not done it up to this point.

**Hon Mr Wrye:** I do not know what the honourable member believes to be the appropriate inspection function of government, but we believe it is appropriate that government does inspections over and above the private sector. I would share with the House and with the honourable member, in case he does not know this, that the problems in terms of staff shortages and shortages of qualified individuals extends right into the private sector. Their own inspection cycles have also been reduced.

We have put together a task force. It has met twice with the private sector, and we are making ongoing efforts to ensure that the kinds of tragedies that have occurred twice in Ottawa, and that is twice too often, are not repeated.

It is an area that, quite honestly, very much concerns me and concerns the government, and we are attempting to deal with it. But I say to the honourable gentleman, it is not the simplest of tasks, particularly with the shortage of labour



that is available with this particular skill. We are attempting to recruit them.

## PETITIONS

### TEACHERS' SUPERANNUATION

**Mr D. W. Smith:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

That is signed by 57 names, and I have affixed my name to the bottom.

**Mr D. R. Cooke:** I have a petition signed by 73 people in my area whose request is similar to the petition presented by the member for Lambton.

**Mr Brandt:** I have a series of petitions here that are identical to the petition read by the member for Lambton. I will not take up the time of the House in reading the petition. They include some 60 names from not only my riding but ridings adjacent to the great riding of Sarnia.

**Mr Reyecraft:** I have two petitions, and the wording of the two petitions is exactly the same as that read by the member for Lambton this afternoon. One is signed by 94 residents of the riding of Kitchener-Wilmot; the other is signed by 28 residents of the riding of York Centre. I have attached my signature to both, as required by the standing orders.

1450

### HIGHWAY SAFETY

**Mr Eves:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We wish to request that Highway 69 be reconstructed into a divided four-lane highway to prevent future recurrence of traffic deaths that have occurred on this unsafe stretch of highway."

The petition is dated 25 July 1989. It has some 4,595 signatures affixed thereto, to which I also have affixed my own. I am in support of the petition, and this is in addition to an earlier petition of last fall that had 3,744 signatures affixed thereto.

### TEACHERS' SUPERANNUATION

**Mr Henderson:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982 have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

This petition was signed by 205 Etobicoke teacher members of District 22 of the Superannuated Teachers of Ontario, and I have signed it as well.

### SCHOOL OPENING AND CLOSING EXERCISES

**Mrs Fawcett:** I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario concerning an amendment to regulation 262 concerning the collective recitation of the Lord's Prayer in opening or closing exercises in the public schools. I have affixed my signature in the proper manner.

### SECURITY IN PREMISES USED BY PUBLIC

**Mr Sterling:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We request that the Ministry of the Attorney General withdraw Bill 149, An Act to amend the Trespass to Property Act, which we believe is unnecessary and without mandate.

"While we respect the rights of minorities and youth, whom Bill 149 alleges to protect, we oppose the way in which the proposed legislation will erode the ability of owners and occupiers to provide a safe and hospitable environment for their patrons or customers. We are further concerned about the legislation's potential for increasing confrontation in the already difficult process of removing individuals who create disturbances on publicly used premises."

That is signed by 136 people, making the total 2,422 to date, and it is signed by myself.

### TEACHERS' SUPERANNUATION

**Mr MacDonald:** I have a petition with 20 names affixed to it. It has the same wording as that of the member for Lambton (Mr D. W. Smith). So as not to take up too much time, I have affixed my signature to this, also.



**Mr Ruprecht:** I have a petition which is identical to that of the member for Lambton. It urges the Treasurer (Mr R. F. Nixon) of Ontario to enter into negotiations with the Ontario Teachers' Federation. It consists of 25 names and I have affixed my signature thereto.

#### NATUROPATHY

**Mr Sterling:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of the province of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference; and

"Whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

I have signed that along with 160 other people from my riding.

#### TEACHERS' SUPERANNUATION

**Mr Epp:** I have two petitions here; one is signed by 26 people and another by 51 people. Both regard the superannuation act and I have signed both petitions.

#### INTRODUCTION OF BILL

##### LANDLORD AND TENANT AMENDMENT ACT, 1989

Mr Philip moved first reading of Bill 56, An Act to Amend the Landlord and Tenant Act.

Motion agreed to.

**Mr Philip:** The main purpose of the bill is to amend the Landlord and Tenant Act to provide that the breach by a tenant of a provision in the tenancy agreement will not in itself be the grounds for a landlord to obtain a writ of possession.

**Mr D. R. Cooke:** I am expecting a bill momentarily, which I hope to introduce. I was wondering if we could have unanimous consent of the House to revert to introduction of bills when it occurs.

**The Speaker:** When the time comes, you might discuss that with the House leader and possibly it could be arranged.

#### ORDERS OF THE DAY

##### INTERIM SUPPLY

Mr R. F. Nixon moved resolution 7:

That the Treasurer of Ontario be authorized to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing 1 August 1989 and ending 31 October 1989, such payments to be charged to the proper appropriation following the voting of supply.

**Hon R. F. Nixon:** In asking for interim supply, again I simply inform the members that it is expected that in the period covered by the resolution until the end of October, the amount to be expended will be approximately \$9 billion, depending on the various programs being funded. If everything is averaged out, the honourable members would be aware that we are spending from the consolidated revenue fund an average of about \$105 million a day.

While the honourable members on all sides are very much concerned about the cost of government and the rising costs, we are also very much aware of many inadequacies in funding that are brought to our attention not only by representatives of the community but by members of this House, as is their duty. So all of us, in a sense, share the responsibility of this balance between the level of expenditure and the rate of increase and also, to some degree, the inadequacies that we all perceive.

It is the establishment of priorities, I suppose, that is the main responsibility of the government and is, therefore, without too much of a surprise, the main subject of concern of the opposition. I have a feeling I may be hearing some of those.

**Mr Laughren:** Let me say at the outset, as part of a long, rambling conclusion to this session on my part, that I accept no responsibility whatsoever for the spending habits of this government or for its priorities, for that matter.

While the Treasurer was having a little fun with his opening remarks, I do hope it is clearly understood that I do not share his sense of how the tax revenues are collected in the province, or how the priorities are established when the money is being spent.

I thought I saw the Minister of Northern Development (Mr Fontaine) here a few moments ago. The Minister of Transportation (Mr Fulton) is here. I am particularly pleased that the member for Sudbury (Mr Campbell) is here, because I have great plans for the member for Sudbury in the next couple of months.

I can tell the members that from the beginning, when the member for Sudbury was dumped as a parliamentary assistant, I and his constituents in Sudbury were much offended by this government. I can only say to the Deputy Premier that that insult can be redressed only by his appointment to cabinet in the upcoming cabinet shuffle.

I think the people in Sudbury deserve no less than a seat at the cabinet table. For too long have the people in Sudbury been denied such representation so close to the heart of power. I trust that my words will be listened to and that the Deputy Premier will do the lobbying on my behalf, as I will not be there during those consultations in view of the fact that I have to be out of town when that is going on.

It would be good to have another municipal politician at the cabinet table, as it is the municipalities that have suffered so much under this government. I am sure the member for Sudbury would reinforce my views, in view of the fact that Sudbury itself is one of many municipalities that have felt the sharp stick of the Treasurer's policies on the sharing of revenues.

I did want to take a couple of moments not to speculate on the upcoming cabinet shuffle, because I do not think that would be useful, but to put my views on the record about the member for Sudbury and how we will be grossly insulted, not just me personally but people in that part of Ontario, if that member is not seated at the cabinet table during the upcoming shuffle. I think it would be an outrageous slight to the people in Sudbury who voted for the member for Sudbury.

**1500**

**The Deputy Speaker:** Of course, you will relate all this to government notice of motion 7.

**Mr Laughren:** Indeed. The spending of money is what this motion is all about, and certainly the salaries of cabinet ministers involve the spending of a great deal of money. Another day we will talk about the salaries of cabinet members compared to other members in this assembly.

The Treasurer has learned to deal with money in a way I never thought possible. To hear the Treasurer stand up and talk about \$9 billion here and \$105 million a day—I never thought I would hear the Treasurer have those numbers roll off his tongue with such aplomb. I really did not think I would ever see the day. It is as though he were simply talking about paying the bills back on the farm. It is amazing how times have changed.

There was a very famous man who once said that being determines consciousness. I will not provoke the Treasurer by telling him who it was

who said that, in case he does not remember. I know he is an extremely well read fellow, but I do not want to provoke him by reminding him who said that. It is not someone with whom he would agree on too many things, anyway.

**Mr R. F. Nixon:** "To each according to his needs"?

**Mr Laughren:** The Treasurer is very perceptive. That is absolutely correct.

I did want to spend a couple of moments on the problem of municipal funding, because if there is one signal that has gone out from this government in this last session since the budget, it has been to the municipalities that they are increasingly going to be on their own. Despite past promises, which I will remind the Treasurer of from time to time, the municipalities are picking up an increasing share of their expenditures, as are school boards in Ontario.

The problem with that, of course, as we all know, is that there is only one taxpayer, as the saying goes, but there are different ways of taxpayers being allocated their share of the money that must be raised. Property taxation is a regressive method of doing so.

I did mention to the Treasurer at one time, and he looked surprised when I said it, that in Ontario local property taxes are 36 per cent higher relative to personal income taxes than the average for the other nine provinces. Compared to the personal income taxes that people pay, property taxes are 36 per cent higher in Ontario than in other jurisdictions.

The problem with the sales tax is that the very tax credits that were established to alleviate the problem of the regressivity of property taxes have not kept pace. The property tax credits, the rebates that people fill in on their tax form, have actually diminished in value since they were implemented in the 1970s. As a matter of fact, we did what I think was a fairly careful analysis of it, and it showed that they would need to be enriched by about \$300 million a year simply to bring them back to the value they had when they were introduced back in the 1970s by the previous government.

I think the Treasurer is not dealing fairly with property taxpayers, because he increases property taxes and does not increase the property tax credits accordingly, which were put in place in order to ease the burden on low-income taxpayers. I think the Treasurer has not dealt fairly with property taxpayers.

The property tax increases in Ontario this year are going up substantially more than the rate of inflation, in some cases, double the rate of



inflation: in Metropolitan Toronto, 12.4 per cent; in Hamilton, 8.9 per cent; and in Waterloo, 10.4 per cent. These are tax increases, as I say, that are virtually double the rate of inflation, and a lot of that problem is caused by the provincial government.

On top of it all, as though to add insult to injury, the Treasurer as well froze unconditional grants and road maintenance grants to the municipalities at the 1988 level. That is equivalent to a cut. The Treasurer knows that. If the rate of inflation is between 5.5 and six per cent, and one freezes the grants at last year's level, then one has really cut the grants to those municipalities.

The Association of Municipalities of Ontario has detailed 22 different provincial programs and policies which will impinge on the municipal property tax base and for which municipalities are receiving no direct increase from this government. I am talking about things such as the court security which the municipalities have to pick up now, whereas previously the provincial government picked them up. There is the whole question of pay equity, hospital funding, recycling, homes for the aged and the road assistance program which I just mentioned. Those are programs where the municipalities are picking up an increasing share, because the province is not increasing its funding to them.

The Treasurer has said—I believe he said this right in his budget this year, if I recall correctly—that grants to municipalities will increase by eight per cent; I believe that is the number he used. But that really is a deceptive figure, that is not a fair figure to use for the municipalities, because a lot of those are cost-shared programs with the province, such as welfare, transit, day care and so forth. I note as well that the Thomson report, Transitions—the Social Assistance Review Committee report, as it is sometimes called—recommended that the province pick up the tab for social assistance. That is one recommendation that the province has conveniently decided to ignore.

I want to spend a minute or so on the education costs. In 1984, the present Premier (Mr Peterson) said that a Liberal government would restore the province's share of educational funding to 60 per cent of the total. The reverse has happened: In 1975 the province paid for 61.3 per cent of education expenditures, by 1985 it was down to 46.62 per cent, and in 1989 it has fallen to 42.9 per cent. There is a steady decline. That is the kind of decline that is easily plotted on a graph. That really is unfair.

When you hear people questioning the integrity of government, they are really talking, very often, about the tendency of this government to make grant promises and simply ignore them when the election is over and it has received its majority. It really is unfair. I know that using the word "dishonest" is not appropriate in this chamber, so I will not use it, but I want to say that if the word "dishonest" were parliamentary, that is exactly what I would accuse this government of.

To stand up and make promises and then break those promises, without any kind of apology to anybody for having made them—What would other members call that? Most of us would say that is dishonest, to make promises in the heat of a campaign and then simply forget them conveniently when you have received your majority.

As a matter of fact, I went back a little farther than 1975; I went back to 19 June 1973. This is what the present Treasurer of the province had to say. I am quoting from page 3433 of Hansard: "We...believe that there should be a larger share of the cost of education paid at the central level. To give credit where it is due, since this was an issue in the 1967 election campaign, the Treasurer and his predecessors have moved toward the payment of a little over 60 per cent on the average of these costs," meaning, of course, that the province had moved towards paying 60 per cent of the total cost of education in the province.

This is a quote that should be—I will not say where it should be put—on the Treasurer's desk so that when he comes in every morning he sees this. This is the quote, "Until the government is paying 80 per cent, it is still a burden on the local property owners, which means that there is a complete dislocation of local financing because of the continuing heavy costs imposed for the provision of education services."

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So there was the present Treasurer (Mr R. F. Nixon) saying in 1973 that the province should be paying 80 per cent. In 1984 the Premier said that it should be 60 per cent. My heart palpitates at the thought of what the next promise will be. It has gone from 80 per cent down to 60 per cent. In reality it is flirting with 40 per cent. I shudder to think what the next move will be on the part of the government. It really is unfair what it has done to the municipalities and to the boards of education.

I am sorry the Minister of Transportation has left. I was hoping to get to this part of my remarks before he left. I want to say that a couple of weeks ago I spent a week in the north part of my constituency. In my constituency I have to drive



over roads, some of which are public and some of which are forest roads. I say without exaggeration that in some cases the forest roads were better than the public roads. These are roads built by the forestry companies to get their trees from the bush to the mills. Some of those roads were better than the public roads. Do you know what else? The public is paying for some of those forest roads for the forestry companies, through the forest management agreements. So, here we have a double insult to the taxpayers of Ontario: The roads that are being used to haul the logs back and forth are in some cases better than the public roads. It really is an outrage.

I can only speak for the part of Ontario that I represent, but I can say that the roads are worse now than when this government came into power. What kind of priority does this government have towards northern Ontario? There has to be more clout at that cabinet table for northern Ontario or the government is going to be in a lot of trouble. I personally hope it is in a lot of trouble. It is not hard to predict that it will be in trouble in northern Ontario because of the lack of services it is delivering.

I would be happy during this supply motion to have the member for Sudbury stand up and contradict what I am saying about the quality of roads in that part of the province. Where are the improvements? Where is the four-laning? It is not there—only in promises again. There is a lot to be done and we are getting somewhat weary of the large pronouncements about the greater Toronto area road system while the north gets the back of the hand.

I know our time is restricted this afternoon, but I wanted to spend a couple of moments on another project that is near and dear to my heart and that is the Sudbury neutrino observatory.

**Hon R. F. Nixon:** That's the \$14-million hole in the ground.

**Mr Laughren:** It is not a \$14-million hole in the ground because it is not there yet.

**Hon R. F. Nixon:** The hole is.

**Mr Laughren:** The hole is there, yes, but the money has not yet been spent so the Treasurer does not need to talk about it in such a disparaging way. The Treasurer should hold his fire for a moment until he listens to what I have to say because all of the blame is not to be attached to the provincial government in this case.

During the last year, the scientific community got together and indicated how much money it wanted from the various groups out there, whether it was from the federal government, the United States, the United Kingdom, Ontario or

the National Research Council. From the beginning, Ontario was asked for \$7.2 million as its share of the total cost of \$53 million. It seemed to me that out of a total cost of \$53 million, allocating \$7.2 million to the province was fair. I do not think that is putting an undue burden on the province—\$7.2 million out of \$53 million.

The province dilly-dallied, shilly-shallied, procrastinated and made no decision on it whatsoever. Other players made their commitment, including the US, \$17 million; the UK made a commitment; the federal government made commitments: the people who were sitting on the sidelines. Despite the fact that the neutrino observatory was to be in this province, in this case Sudbury, the provincial government would not make a commitment.

A number of us raised that matter here in the Legislature and the government kept delaying, delaying, delaying, saying, "Well, it's pure research; we're not sure we want to get involved in that," despite the fact that it would put Sudbury in the forefront of pure scientific research and I believe it would accrue some substantial benefits to the Sudbury basin and to the province over the years.

Then, on 12 July a letter was written from the federal government, namely the Natural Sciences and Engineering Research Council of Canada, to Peter Barnes, who is the Deputy Minister of Industry, Trade and Technology here in Ontario. In that letter—it is a very important letter and the Minister of Industry, Trade and Technology (Mr Kwinter) is aware of this—they say that the commitment required from Ontario is now \$15 million.

Here we have, from the very beginning, a request by all the lead funding agencies that the province put in \$7.2 million. Suddenly, in the midst of all these negotiations, the federal government doubles the ante on Ontario to \$15 million. It more than doubles it. I say to myself, what in the world is going on? The federal government has the nerve, in the middle of the whole process, to double the ante in Ontario.

The province deserves to have its wrist slapped as well, because if the provincial government had made its commitment six months ago, when we were pushing the provincial government to do that, it could have said, "Yes, we are in for \$7.2 million over four years." Then the federal government would not have had the opportunity to double the ante, because the province would have had its commitment in already.

What the federal government has done is absolutely outrageous, but the provincial govern-

ment gave it the opening. It gave them the opportunity to double the ante, and that is why I am so fed up with the way the provincial government responded to the request from the worldwide scientific community and the local community and allowed the federal government to double the ante on the province. It is absolutely outrageous.

While I am angry at the federal government, I say to the province of Ontario, "We tried to warn you. We tried to tell you that you should make your commitment early and get in fast." They would not listen. No, they had to wait, despite the fact they were not spending the Premier's technology fund. It has been underspent every year since it began. They had the money there, lots of it. They have thrown more money away in a day than was being asked of them for a four-year period.

It is truly remarkable, and I regret very much that the government did not get its act together and approve this project when it was requested to do so. There is a tight time line on this. By the end of the year it is expected that if commitments are not made—as a matter of fact, even before the end of the year—this project could very well be in jeopardy. If this project is indeed in jeopardy, then it is on the heads of the two senior levels of government. Neither one is blameless.

I do hope that the Treasurer understands the gravity of the situation and the time line we are dealing with. I hope that he talks to the Minister of Industry, Trade and Technology and to the Minister of Northern Development, who is also aware of the project. I do believe that much has to be done if this is to become a reality. I will not go through all of the benefits that would accrue to the province and to the Sudbury area if we had the neutrino observatory, other than to say that we believe that in the long term they would be substantial.

How often does the worldwide scientific community want to invest in a major project and want to do so in Sudbury? It would be a part of the ongoing diversification of the Sudbury community and would have spinoff benefits to the university there. It would attract scientists to Sudbury for years to come on a visiting basis and would spin off research initiatives at Laurentian University that would stand us in good stead for many years.

I regret very much that the Premier's Council, the Premier, the Treasurer and the Minister of Industry, Trade and Technology were so hung up on the fact that we were talking about pure research rather than applied research that they

lost sight of the value of pure research and how it can lead to applied research. I thought that it was an absolutely perfect project for the Premier's Council to fund, but for some reason that escapes me, it failed to do that.

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I will conclude my remarks simply by asking the Treasurer to make himself aware of that project, if he is not so already, and to get on with the funding of it because it has already become a bit of a farce the way the province responded to the federal government and how the federal government is responding back. It is like they are playing some kind of stupid game of chicken out there to see who could wait the longest. Because the province procrastinated, the federal government said, "Fine, we will double up the ante on the province then and really make them squirm." That is the impression I get.

It annoys me a great deal. It was a project and still is a project that should be go. The amount of \$7.2 million for this province over four years is not an exorbitant amount of money and I regret very much that the province gave the federal government the opportunity to double the amount that they want from the province.

**Mr Runciman:** I want to apologize to you, Mr Speaker, for not wearing a jacket. It is the first time in eight and a half years in this House that I have not worn a jacket into the chamber, but it is the first time in eight and a half years that I have been sitting here on 25 July. In any event, Mr Speaker, I appreciate your not objecting to that fact.

**Hon R. F. Nixon:** That's pink, isn't it?

**Mr Runciman:** Yes, it is pink.

**Mr Campbell:** You should see the television reviews. People will be adjusting their sets.

**Mr Runciman:** Moderating my views.

I appreciate this opportunity to offer a few words in this debate and to talk about the spending habits of the current government; I guess they could be described as the profligate spending habits of the current government. There is certainly a significant degree of disappointment in terms of the performance of the current Treasurer, someone for whom many of us had high hopes when he assumed those responsibilities.

We knew that he was under pressures during the minority period in terms of agreements reached during the accord which committed the government to spending programs and policies that perhaps he had little control over with respect to meeting the terms of that agreement.



But now that we have entered into the majority phase with an overwhelming number of Liberal members in this House, we really have not seen the kinds of actions and initiatives undertaken by the Treasurer that we had hoped would indeed be the case, given his background, his views expressed over the years in this House with his rather small-c conservative approach to fiscal policy and his trying to express over many years in opposition his concern about the mounting deficit in this province and the national deficit, as well.

Instead we have seen him and his government adopt a spend, spend, spend and a tax, tax, tax approach. Of course he has boasted on numerous occasions about the level of the annual debt being down to \$577 million. I am not sure what the accumulated deficit is at this point, but it is certainly significant. I would like to have seen him and I would like to think that he would have liked to have seen an effort made at reducing the accumulated deficit. But that is not happening and we do not know what the end result will be in terms of the annual deficit this year.

Again, he and his government colleagues have boasted on numerous occasions about increased spending in a variety of areas. I will agree that there were a number of areas that did require increased funding. But if you recall the last few years of Conservative rule, we were in difficult economic times and good fortune smiled upon the Liberal Party in assuming office in 1985 just when we were experiencing an economic upturn. They have developed some spending patterns which I feel are not in the long-term best interests of this province.

When one looks at what is going to happen when we inevitably experience a downturn in the economy, the spending levels developed by this government over the past number of years are going to be extremely difficult to sustain. Whenever that occurs, the government of the day is going to have some pretty tough decisions facing it. I am sure the Treasurer will acknowledge that. In all probability, he will be long gone from this place and will not have to bear the brunt of criticism of the government, whether it be a Liberal, Conservative or NDP government. When that occasion arises, there are some tough times ahead because, I believe, of the spending patterns and levels developed by this government.

We—in any event, all of us in this House, I think, who have been around a few years—know of waste that could be, if you take it on an individual basis, rather minor in terms of the total

budget allocation of the government, but when you look at these in a cumulative way they are significant indeed. We can all point to instances.

I had an example in my constituency office just a couple of weeks ago where I received a booklet from the Minister of Industry, Trade and Technology. I am glad to see him in the House today. It was a book indicating the number of manufacturers in Ontario. It was about an inch and a half or two inches thick. I got two of those, both sent by Priority Post to my office, one with an English cover on it with English names in the interior and another with a French cover with English names on the inside.

I have to ask—and it is a modest amount of money; I do not know how many thousands of dollars we are talking about—why the minister or the bureaucrats within his ministry did not simply print one of those things with a French and English cover rather than having separate French and English covers, wasting that kind of money, shipping it by Priority Post, etc. We as members see instances like that all the time.

If there were a real desire on the part of this government to cut down on spending and reduce waste, it could be done. We know it can be done. What is going to happen, of course, is, because of the increased spending patterns of this government, whenever we do experience a serious economic downturn some tough choices are going to have to be made in some very important programs in this province. That is the dilemma. I think that over a period of time the Liberals have had a majority government it could have been moving in a whole host of areas where we see wastage that, I tend to like to believe anyway, offends all of us in this Legislature.

We can talk about waste in a whole range of areas with respect to money and recognition and appreciation of taxpayers' dollars in this province. We have all heard about tax relief day or whatever the terminology is with respect to paying your taxes, paying the government. Ontario is the latest in the country in terms of when you finally finish paying the government and start earning money for yourself and your family. It is some day in July now, so that Ontarians are the most heavily taxed province in the country.

Of course, at the same time we are seeing this Treasurer and every ministry, since the Liberals assumed office, very quietly, behind the scenes, increasing fees and charges for virtually everything. Whether it is a birth certificate being increased by 500 or 1,000 per cent, any kind of registration fee or whatever you want to talk



about, it has been significantly increased by this government.

On the other hand, when we talk about spending practices—I raised an issue in the House today with the Minister of Consumer and Commercial Relations (Mr Wrye), about his own personal staff levels. I was the minister in that ministry briefly and I had half the staff of the current minister, but I was also responsible for financial institutions at that time. If members go back to my predecessors in that ministry, Gordon Walker and Bob Elgie, they had half the staff of the current minister and also had financial institutions and rent control under their responsibilities.

At the same time, we have seen this minister have his responsibilities significantly decreased yet double his personal staff. At the same time, we have a crisis in terms of elevator safety in this province. If he was down at the levels of personal staff of predecessor Conservative ministers—we did a calculation on this this afternoon—we could have 10,000 elevator inspections conducted across this province, simply if he reduced his staff levels. That applies right across this government. We are not only talking about doubling personal staff levels; we are talking about significant increases in salaries as well.

Moving on to the bureaucracy, I do not know what the latest number is but I know that last year we were talking about an additional 7,000 or 8,000 new civil servants.

**Mr McCague:** No, 9,000 now.

**Mr Runciman:** I am advised by my colleague there are 9,000 new civil servants in this government since it assumed office in June 1985.

**Mr McCague:** Pardon me, it is 11,000.

**Mr Runciman:** It is 11,000?

**Mr McCague:** Yes.

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**Mr Runciman:** Boy, we better cut this short. It is getting worse by the second. In any event, that should be a cause for concern among all Ontarians. Again, it is of some disappointment with respect to the kind of approach we were hopeful the Treasurer would be taking with respect to the operations of government. That simply has not occurred.

I see the Minister of Financial Institutions (Mr Elston) in the House and I want to talk about another effort at wastage of taxpayers' dollars, his infamous Ontario Automobile Insurance Board. We have seen that cost the taxpayers something close to \$8 million. Then we have had that board's nose rubbed in the dirt; we have had

it humiliated, spend months and months and thousands and millions of taxpayers' dollars, not to mention the private sector dollars spent by the insurance companies in this province, \$50 million to \$60 million by some estimates, all thrown out the window, all disregarded; \$7 million or \$8 million taxpayers' dollars disregarded. That is the kind of approach, the kind of attitude, we see consistently coming from this government and ministers of this government.

Now we have the minister saying last week that he does not know what kind of role the Ontario Automobile Insurance Board is going to play for the next few months. What does that mean? Is he going to have layoffs? Is he going to close down the board and save some money for taxpayers? What is he going to do? He is going to have them continue on. He does not see any meaningful role for them, but they are going to continue on, draining from the public purse.

I can go on and on about wastage in this government, but I have a limited amount of time to make a contribution to this debate and I want to touch on a few other areas that are of concern to my party. I want to talk about ethical standards. We have certainly talked a great deal about that over the past number of months, and I think this has to tie in with the operations of government as a whole. In that sense it is complementary to the matter before us.

I was very much involved in this in one of my critic roles, as critic for the Ministry of the Solicitor General, in the efforts of the former Solicitor General to hang on by her fingernails to her responsibilities despite an obvious breach in terms of the conduct of the Solicitor General. She not only hung on tenaciously until forced out of office by the two opposition parties; but what was even more difficult to appreciate and understand were the efforts of her leader to support her through this matter despite the very clear appreciation of the fact that precedent had been set in the past, that she had done something she should not have done and that clearly her resignation was warranted. In any event, we had to do a number of things that many of us in the opposition did not feel comfortable with to achieve that resignation.

Of course, we have discussed at length the whole multitude of stories and issues arising out of connections of members of this government with Patti Starr. We are going to hear more and more about that as the months go on and as the judicial inquiry begins its hearings.

A matter that I have raised on a number of occasions and have been severely criticized for

by the Premier—he indicated that I demeaned what it means to be a member of this Legislature; I think that is one of the things he said to me in this House—was the sale of the C. M. Peterson Co. I think it is quite a legitimate matter to be brought forward in this House.

As many members of the Liberal Party will understand, it is not always easy to be an opposition critic. Some of the things you have to do and say are difficult, they are tough, and at times we feel uncomfortable, but I think we have a responsibility as members of the opposition to raise these matters, to raise these issues and to make sure that they receive a full public airing.

I think that is especially so when we are talking about the conduct of the Premier of this province. When we are looking at the sale of the C. M. Peterson Co, the involvement of one of the major land developers in this province and the fact that that land developer was also involved in trying to accomplish or achieve a significant contract with the province of Ontario and major municipalities in this province, which could number in the billions of dollars, also justify our raising this issue.

I have not raised this in the past, but I think an element of this which concerns us is the questions that were raised in many circles with respect to the value of the company. Despite the fact that the Premier had his holdings in a blind trust, I think there are some very serious questions out there that remain to be answered. We are attempting to arrive at answers as best we can but are limited in our ability to do so.

Indeed, if the sale price of that company is significantly more than the value determined by independent and objective analysts, then I think that the Premier and members of this government are going to have to face the fact that this is another matter which indeed must be referred to the judicial inquiry.

I raised an issue last week with the Minister of the Environment (Mr Bradley) with respect to a bias against small-town Ontario. I raised it in relation to eastern Ontario and am going to confine my remarks to eastern Ontario, although I know there are some members who would raise the issue in respect to other small-town Ontario communities as well.

We saw that in respect to the upgrading of sewage treatment plants in small-town Ontario, where small municipalities were determined and deemed by the Ministry of the Environment to have critical problems, perhaps the most critical in the province, but at the same time this government is not prepared to assist them.

Instead, they are looking at large megaprojects in Ottawa, Metropolitan Toronto, London and so on. With the heavy rainfalls last week in the Ottawa River area, we had beaches closing because the Almonte treatment plant simply cannot handle sewage properly and adequately in large rainfall periods. Again, to the ministry this is a critical problem and it is saying: "We are going to look at the megaprojects. We are not going to look at helping out small-town Ontario."

I have talked about eastern Ontario and its neglect over the years and have not tried to lay all this at the doorstep of the current government. I think it is a problem that goes back many years. There simply is no recognition of the real economic situation in eastern Ontario.

Part of the problem is that when the governments at both senior levels are doing their calculations, analyses and assessments of the situation in eastern Ontario, they all have different definitions of eastern Ontario. The Eastern Ontario Development Corp, for example, runs up to Oshawa, if members can believe it, so there is that pie being shared by a lot of people who certainly are not eastern Ontarian from an eastern Ontarian's point of view. That applies virtually to every ministry in this province; each has a different definition of eastern Ontario.

Also, we have the Ottawa-Carleton region thrown into the mix, which distorts unbelievably the statistics related to eastern Ontario. I had a study placed in my hand two years ago which removed Ottawa-Carleton from the statistical data related to eastern Ontario. As an eastern Ontario member you will appreciate this, Mr Speaker. It indicated quite clearly that the highest percentage of individuals and families earning under \$10,000 and under \$5,000 per year resided in eastern Ontario. They clearly defined eastern Ontario as beginning at Napanee.

I am sure some members are aware that, in terms of the economy, there is a very serious problems that families face. Many families are living in poverty in eastern Ontario. They simply are not being recognized by this government. Again, we see continued recognition of Toronto. We have the appointment of a deputy minister to look after problems of the greater Toronto area; we have a minister for northern Ontario.

What do we have in eastern Ontario? We have three ministers out of eastern Ontario, I guess. Two of them are junior ministers and one is the government House leader, the Minister of Mines (Mr Conway), who does not seem to pay an awful lot of attention to eastern Ontario any



more. He has certainly lost a significant degree of interest in eastern Ontario, in my view.

In any event, I hope that this cabinet shuffle will see some positive changes in respect to representation around the cabinet table from eastern Ontario. We certainly need some strong voices which are much stronger than we are having at the moment.

Perhaps I can wish you luck, Mr Speaker. We certainly would like to see some new, energetic and aggressive people from eastern Ontario around that cabinet table. But indeed, if that does not occur, then I guess we are going to have to wait two years for the inevitable change of government, and at that point we will see some strong—

**Hon Mr Conway:** Did you just insult me, Bob? You know how tender I am.

**Mr Runciman:** I hope I did not hurt the feelings of the government House leader. I would hate to do that as we near the end of this session. I have expressed some concerns about eastern Ontario; I expressed one to him yesterday, as a matter of fact.

**Hon Mr Conway:** We are following up on that.

1540

**Mr Runciman:** That is good to hear.

I want to talk again about this focus on Toronto, the greater Toronto area. I made reference to the opera house. I see projections of about \$300-and-some million to construct this new opera house in Toronto.

Those of us who sat in public accounts will recall the estimates in dealing with the domed stadium. I see the latest figures are close to \$600 million for the domed stadium, which was originally going to cost \$150 million, as we will recall: \$150 million, now up to close to \$600 million.

**Mrs Fawcett:** The province hasn't put in any more.

**The Deputy Speaker:** Order, please.

**Mr Runciman:** We hear rumours that the ultimate cost may be in the neighbourhood of \$700 million to \$750 million.

Here we see again, I understand, a commitment by this government in the neighbourhood of \$60 million or \$70 million, taxpayers' dollars, for an opera house in downtown Toronto. I have an awful lot of trouble with that, because the Minister of Industry, Trade and Technology can go down to eastern Ontario and boast about giving \$25 million to eastern Ontario and what a great thing he is doing over five years, \$5 million

a year for five years, \$25 million, wonderful for eastern Ontario, stretching from Oshawa, I guess. At the same time, we are putting \$60 million or \$70 million into an opera centre in downtown Toronto.

Something is wrong. Something is wrong with the priorities of this government. We simply do not have strong enough voices around the cabinet table dealing with eastern Ontario and we do not have any adequate representation in the bureaucracy at the highest levels standing up and speaking out on behalf of eastern Ontario. It is just not happening.

I think I have eaten up enough of my colleagues' time. I know that we want to limit debate on this to some degree.

In any event, I want to express my disappointment again in respect to the performance of the Treasurer, someone I have a great deal of respect for, someone I like personally, but indeed I do have a significant degree of disappointment in terms of his performance and in terms of his approach to government, the "spend, spend, spend, tax, tax, tax" approach, which I think is inappropriate and does not bode well for the future of this province.

**Mr Philip:** My relatives who live in eastern Ontario would enjoy coming to Toronto to see an opera.

I want to speak to the minister about a different kind of discrimination, and that is an economic discrimination, an economic apartheid which he has imposed with his last budget, in which he singles out the people of greater Metropolitan Toronto for more taxes than any other people earning equal incomes in other parts of the province.

In the history of this province, and indeed in the history of Canada, I know of no Treasurer who has singled out a group of people by the area in which they live to pay higher taxes than other individuals in the province. They may discriminate in terms of programs, they may discriminate in terms of other things, but they do not say, "Because you happen to live in one geographical area, you have to pay higher taxes than others."

**Mr D. R. Cooke:** What about southern Ontario?

**The Deputy Speaker:** Order, please.

**Mr Philip:** In this particular case, not only does the Treasurer's budget not make any kind of sense in terms of fairness, but it also does not make any kind of sense in terms of the revenue that it will produce.

I give for example the tax which he is imposing called the commercial concentration levy. The



commercial concentration levy tax will create real problems for the larger hotels, many of them in the riding I represent, in their competition with other cities and indeed with the US jurisdictions.

According to the hotel industry, this will mean a cost per night per room increase of \$4 to \$6. We have already seen that before this tax was imposed, the reservations for July and August for hotels in the greater Metro Toronto area were down some 10 per cent. This tax can do nothing more than to add to that problem.

Many of the hotels in general provide a place where a lot of people who are new to the country and who do not speak English or French can frequently find employment until such time as they develop those skills. What we are talking about is really creating a system of taxation which, in exchange for \$10 million which the Treasurer is taking as a grab from the hotels in greater Metropolitan Toronto, is going to create a loss of jobs for the very workers, many of them unskilled, who are employed in those hotels.

What we are talking about is a delay in the expansion of many of these hotels in terms of capital construction, in terms of millions of dollars' worth of capital construction that will either be cancelled or delayed.

The minister, I gather, has backed off some of this by saying, "Well, I am imposing only a 200,000-square-foot limit." But of course the average hotel in Etobicoke along the airport strip is in fact over 200,000 square feet. To simply state, "Well, if you don't charge for the parking, we are going to give you an exemption," which I gather is another backoff position of the Treasurer, does not make sense close to the airport since people will go and park in the parking lots of those hotels rather than pay for the park-and-fly facilities, if some charge is not made.

So I say to the minister that not only is his budget discriminatory against the people and businesses of Metropolitan Toronto and area, but it is also going to create a loss of tax revenue for him. In exchange for this \$10-million tax grab he will take from the hotels, he is going to create a loss of jobs; he is going to create a loss of revenue from tourism in the area, and indeed he is going to create a loss of capital construction from those hotels that had planned on expanding but will have to delay as a result of this foolish tax.

I suggest that he should reconsider this particular tax as well as the other taxes which are so discriminatory on the residents of the greater Metro Toronto area.

**Mr McCague:** I would not want to miss this opportunity to say a few words to the Treasurer, for a couple of reasons.

First, he is looking for authorization until 31 October, Hallowe'en day. It will more likely be a trick rather than a treat. However, that is what he has chosen as his date.

The second reason I want to say something to the Treasurer is that this may be the last chance we really have to say something about him or to him, given that there may be a cabinet shuffle in the next few days. I know that the honourable Treasurer would not be shuffled out if he did not want to be, but I think he has his eye on a high office in London, where I and we in this House know that he would make an excellent representative of Ontario as agent general.

The other thing is that he may be more reluctant to proceed down the street to the Ontario Hydro building. I say that because the Treasurer has had some very kind things to say about that building in years past, as I recall.

**Hon R. F. Nixon:** Where?

**Mr McCague:** The Hydro building.

**Hon R. F. Nixon:** No. It is Ontario Place. Oh, I let the cat out of the bag.

**Mr McCague:** Oh, is that where you are going?

**Mr Breaugh:** He has Patti Starr on his mind.

**Mr McCague:** Yes, I think the Hydro building may be too close to the stars for him.

Anyway, the Treasurer has earned anything he gets, and we could make suggestions, but we would suggest that he would make an excellent choice for agent general or chairman of Hydro, given that he could stay in that building and not have a red face.

However, what I really wanted to say to you today, Treasurer, was a bone that I have had to pick with you for some years in this House, particularly since you became Treasurer.

**The Deputy Speaker:** Through the Speaker, of course.

**1550**

**Mr McCague:** Yes, of course. To the Treasurer; I am speaking through the Speaker, but it is really directly to him.

The Treasurer was wrongfully labelled the parsimonious old farmer, just about when he took over as Treasurer. He really has proven to be anything but parsimonious, except when it comes to things like treating the apple farmers fairly in this province. I do not know why the Treasurer would not see it in his heart to enter the federal program and to give some drought assistance to these people who so badly need it. The Treasurer is an understanding gentleman, and he knows that not only do the farmers need

the assistance but the people of Ontario are very interested in the welfare of the farmers; of course, that is all contingent upon their need for good food locally produced.

As the Treasurer and his colleagues tomorrow look towards flood assistance in Essex and drought assistance in other parts of the province, I hope he is one who is trying to push the Minister of Agriculture and Food (Mr Riddell) off that pedestal he is sitting on and into the pool of money I know the Treasurer wants to give. It is odd that in one case we have a bucket that is full, and in the other case we had a bucket with a leak in it. I am sure he can understand the need and that he will not be parsimonious in that decision but will help those groups out.

The real one on which I have a bone to pick with him is the way hospitals in this province have been led along by this Treasurer, the last two ministers of Health and the government in general. In the particular case I want to reiterate to the Treasurer, I am talking about the Collingwood hospital. The Premier went up to Collingwood and with great support and encouragement kicked off a fund-raising campaign they had in that community, which in fact were held in many communities across the province about two to three years ago.

The Treasurer announced in the 1987 budget that he was putting \$850 million into hospital construction over five years. It was like pulling teeth to get the Treasurer to finally admit that the \$850 million was not an enrichment to the funding that was normal for hospitals, but that it was really a flat-lining of \$150 million over five years. He finally did admit that he was caught on that one.

That is not as bad as the way municipalities and people within this province have been misled into making pledges to their hospitals on the basis that it was going to lead to government funding and it was going to lead to new facilities or renovated facilities or whatever. What I want to say to the Treasurer is that I hope he is able in the next day to persuade his cabinet ministers that it is about time they came clean on what their intention is regarding hospital construction. We have the present Chairman of Management Board, who went around the province being a good fellow; we have the now Minister of Health (Mrs Caplan) who goes around the province trying to get everybody to pull in their wings, no building, we are going to have community health, we do not need the facilities and hospitals as much as we thought we did when the member for Bruce (Mr Elston) was the Minister of Health.

What we have out there are a whole lot of municipalities being held on a piece of string, hoping that some day some Minister of Health or some Treasurer or some Premier will loosen the strings and that they will get a facility built. If they are not going to do it, why not tell the municipalities and the areas and the hospital boards: "We've changed our mind. It's final. We've changed our mind. We've decided we don't need those facilities. We want to go to community-based health, health service organizations," or whatever their plan is, and let the hospital boards and the municipalities decide what they are going to do with this money that has been pledged? Maybe the people will decide it goes into some other part of the health care system. But to keep them dangling, Mr Speaker, I suggest to you is completely unfair, even on the verge of misleading, and I think it is something that should be settled once and for all right now.

That is not to take away at all from the day this may be. It could be the Treasurer's last day in his present portfolio during which the Legislature is sitting. He has been an honourable member of this House for many years, and if he decides to get out or if he happens to get kicked out, we wish him well, be it in London or atop the Ontario Hydro building.

**Mr Villeneuve:** I cannot let this opportunity go by in the short two minutes I will have to reinforce my colleague the member for Simcoe West. Certainly the Treasurer is someone we all admire. I think he has administered reasonably well a very buoyant economy, which he was fortunate enough to inherit from a government that had administered things very well prior to 1985.

I have to go back to question period this afternoon for a very short period of time during my comments here. The Minister of Agriculture and Food mentioned that I had been gone for two weeks. Mr Speaker, you were with me. We were on official business, representing the public of Ontario. I was not on holiday or on a boat; I was representing the public of Ontario.

I return to what my friend the member for Simcoe West suggested to the Treasurer, that we should look after our fruit, vegetable and cash crop producers. The Treasurer, being a farmer—and he may not be in a difficult financial position like some of us farmers happen to be—

**Hon R. F. Nixon:** With some off-farm income like you.

**Mr Villeneuve:** I am fortunate to have off-farm income; I do not know about the Treasurer.



However, it is a situation that the Treasurer, being a very reasonable person, cannot overlook. A \$38-million expenditure will provide \$152 million to the fruit, vegetable and cash crop farmers of Ontario, who suffered severe drought last year. Our livestock producers qualified and already have their cheques in the bank and probably spent. I say to the Treasurer, as he meets around that huge table called the cabinet table tomorrow, please remember our producers out there.

**Hon R. F. Nixon:** I thank the honourable members for their, in most cases, constructive comments. I think that is exactly why the honourable members are here, and I know the government values their advice. We have to take certain decisions, and we do that. I am not going to spend time reviewing the recommendations, but the honourable members I think have done good service in bringing that to the attention of the members of the House.

Just on a personal note, I want to tell the honourable members that I thank them for their good wishes and suggestions as to the future disposition of my service, but to sort of misquote somebody or other, the rumours of my political demise may in fact be exaggerated. The members might as well get themselves braced for any eventuality. The one job they did not mention, although I interjected it, is the job at Ontario Place; it looks pretty nice. If they have any specific advice about that or anything else I might have overlooked, I would appreciate hearing from them, because those guys know where all the plums are.

Motion agreed to.

1600

### STANDING ORDERS

Mr Conway moved resolution 8:

That the provisional standing orders be extended to remain in effect until 12 midnight on Monday 9 October 1989.

**Hon Mr Conway:** This motion really is a companion to motion 9 standing in my name. It essentially extends the provisional standing orders to midnight on Monday 9 October 1989, at which time the new orders become effective. That essentially is to leave no gap between the old order and the new. I think it is quite self-explanatory and would recommend it to my colleagues with no further comment.

**Mr Reville:** Speaking on behalf of the New Democratic Party, we will be supporting motion 8 on the understanding that, as we deal with

motion 9, which sets out a calendar which looks like this—it is a lovely calendar—we can persuade the government to keep to it in the future. Normally the fall session would be beginning on the fourth Monday in September, I think, according to the provisions of government motion 9, but because of the extension of the sitting into the dog days of summer this year, we thought that having a little Thanksgiving dinner and then coming back might make a lot of sense for this one time only.

We will support the resolution, hoping that there will never again be any interference with the calendar that has been negotiated at such cost to many sets of negotiators over the past five years. In most respects, the negotiators have stayed the same and they have kept their good sense of humour, almost without exception.

**Mr McCague:** We, too, will be supporting motion 8 in the name of the House leader, but we will have some comments to make on motion 9, which is really the substantive part of all this.

Motion agreed to.

### ONTARIO HUMAN RIGHTS COMMISSION

Mr Conway moved resolution 10:

That in view of the fact that in 1985 the standing committee on procedural affairs and agencies, boards and commissions reviewed the work of the Ontario Human Rights Commission and made proposals for reform; that following further reviews and amendments to the Ontario Human Rights Code, the government introduced major changes in the mandate and structure of the commission and provided substantial added resources to the commission to implement these changes; that a report was prepared recently for the Ministry of Citizenship that reviewed and responded to allegations regarding certain staffing and financial decisions made by the commission; that the chief commissioner resigned in May 1989 and Catherine Frazee has been appointed as acting chief commissioner; and that a new interim executive director has been appointed, the standing committee on government agencies is authorized to review the operation of the commission, including the report prepared for the Ministry of Citizenship, taking into consideration its new mandate, structure and increased resources and to review and assess the future mandate, role and structure of the commission with a view to making recommendations to strengthen the commission's ability to carry out its mandate; and, for the purposes of this order, the committee has the power to retain the services of such staff as it may



deem necessary and to adjourn from place to place in Ontario, subject to budgetary approval of the Board of Internal Economy, and the assembly doth command and compel the attendance before the said committee of such persons and the production of such papers and things as the committee may deem necessary for any of its proceedings and deliberations, for which the Speaker may issue his warrant pursuant to subsection 35(2) of the Legislative Assembly Act.

**Mr Breaugh:** What happened to 9?

**Hon Mr Conway:** My friend the member for Oshawa wondered what happened to resolution 9.

**Mr Breaugh:** I have seen it disappear so many times.

**Hon Mr Conway:** I chatted with some of my colleagues across the way earlier this afternoon. I thought we would probably dispense with resolution 10 more quickly than 9.

I just want to indicate that government notice of motion 10 sets out the reference to the standing committee on government agencies regarding the work of the Ontario Human Rights Commission. It is clearly indicated in the motion that is in Orders and Notices what the intent of this reference is. The whips, I know, have been busily at work arranging the time for the committee in that respect. There has been a fairly good dialogue, over the course of a number of weeks, at the House leaders' and whips' panel. I think the motion is fairly self-explanatory and would recommend it to my colleagues.

**Mr Philip:** We welcome government notice of motion 10. It has come about through a series of negotiations, indeed, a series of tragedies, including a resignation which I guess was most unfortunate, by someone who had a lot of talent but who found himself in a situation where he chose the right course of action in his resignation.

There has been a cloud over the Ontario Human Rights Commission, and I think this inquiry in an open way will help to get certain matters out into the open where we can look at them and make some recommendations to ensure that that cloud disappears.

There have been a number of irregularities— inadequate priority given to identifying candidates of visible-minority groups in hiring; no employment equity program in place at the time at which certain important recruitments were conducted; a top-down approach in staffing— which I think the committee will want to look at. Of equal importance is that there has been a very

serious morale problem at the human rights commission as a result of the series of revelations we have experienced.

We have the situation where any quasi-judicial body that is going to pass comment on other people's behaviour has to be beyond reproach. That is why this inquiry is so important. Members will recall how New Democrats made a particular issue some six or seven years ago, if my memory serves me correctly, about certain hiring practices in the Office of the Ombudsman: the way in which there was a lack of due process in terms of grievance procedure and so forth. We felt the issue there was important, because we thought any Ombudsman—and in a sense, the human rights commissioner is one of Ontario's ombudsmen—has to be beyond reproach and his conduct must set an example for others. You cannot tell other people what to do or correct their actions if you are not beyond reproach in the way you conduct your own house.

So we welcome this motion. I understand, although you cannot clearly decipher it from reading the motion, that there is an agreement—and I hope the government House leader is listening—that there will be legal counsel to the committee.

We expect that the many groups that have expressed an interest, be they civil libertarian groups or visible-minority spokespersons, will have an opportunity to come before the committee, comment and make some suggestions and proposals, which will be most helpful to us. Therefore, I look forward to participating in this dialogue. I trust the committee will take every possible action to hear from as many deputations as wish to appear, and conclude with a fairly thorough report with some very constructive proposals. I leave that with the government House leader and express our support for this motion.

1610

**Mr Cousens:** I am pleased to rise in support of this resolution. Before I get into some of the points I want to make, I want to give special recognition to one of the members of our caucus who has been very helpful in bringing this issue forward and in clearly bringing out the concerns of our party for the human rights commission. I am speaking of the member for Mississauga South (Mrs Marland). We would not today be dealing with this resolution in which we are going to look into the human rights commission had it not been for the initiative and leadership she has given.

I quote from what she said in the Legislature on 6 June: "The integrity and the maintenance of the public confidence in the Ontario Human Rights Commission are matters of vital concern to this Legislature."

I underscore that statement: it is. Those of us who have seen the good works that can come through the human rights commission know that we need this kind of service to people to assist them. That is why it is imperative that the services always be of the highest quality, that we continue to fine-tune the services and the abilities of the commission, so that the needs of the people are put first.

The member for Mississauga South went on to say, "In my opinion, a complete review by this House is required to restore public confidence in the human rights commission and to re-establish the commission's ability to play a lead role in our efforts to combat every form of discrimination."

That is where I come from as well. I wish the member for Mississauga South were here to speak on this issue. I know where she is coming from and I think that, in the interests of all the people of Ontario, it is great to have a defender such as her there for us.

There has been a problem in the human rights commission. I guess that happens periodically. There is at least one major casualty that has come out of it, there has been a resignation and there is now going to be a review. I would rather not dwell on the problems that have led up to this resolution we are now presenting. I happen to believe that does happen and you are going to have instances in the development of all institutions where they rise, then fall back a bit and then go back up again. Maybe what has happened within the commission is it has reached a plateau, it has gone as low as it could go. The morale of the staff is down. They are having problems. It is not fun for the people who are in the commission to see themselves headlined regularly and being criticized and worrying out loud that maybe there are problems.

The fact is it is unacceptable that you will have to wait five or six years for a hearing. That is not good. Indeed, that kind of thing can come through in the kind of study that is going to take place. We have got to improve the time frame in which people who have concerns can have them dealt with. Hopefully, through the mechanism of this review of the commission, there will be ways found to speed up that process. If you wait five or six years—which is an extreme, but it has happened—that, in effect, really does not cause justice to be given. It just promotes people into

being rather careless, rather uninterested and uncaring about the needs that are a part of the commission.

I do not think that should be allowed. When the commission was established back in the early 1960s, it really was the amalgamation of a number of different acts: the Fair Employment Practices Act, the Female Employees Fair Remuneration Act of 1951 and the Fair Accommodation Practices Act of 1954. In 1961 these were brought together, all under the Ontario Anti-Discrimination Commission, so that in 1962, when the Ontario Human Rights Code was passed by this Legislature, we were probably the leaders in the world in recognizing the need to appreciate and understand the need for all people in our society that they might be able to go to work or participate without discrimination.

I think that is something that every one of us has to continue to reinforce in our own newsletters back in our ridings and in anything that we are doing, to recognize the needs of all people, that regardless of what it is, we are going to accept people for who they are and what they are. Therefore, there is not going to be discrimination in our society, it is not going to be tolerated. We are going to continue to be leaders who recognize that anyone, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap, that all of these people are going to be recognized freely and openly in our society. That is the only way in which those of us who are elected in this Legislature can be responsible and can be truly caring of the needs we have.

So this is not something to be taken lightly. I know that the committee, when it is looking at this with the assistance of legal counsel, will have an opportunity to explore, open up and then come back with reasoned, nonpartisan—I do not think there is any reason for anyone to start getting totally political on this. I know that had it not been for the member for Mississauga South nothing would have happened. We would not be today having the review of the Ontario Human Rights Commission. Thank goodness there is that kind of leadership within the Legislature, and hopefully this can come forward so that when we have a chance to see the recommendations, there can be a continuation of refinement and improvement.

We are not there yet. There are still people in this province who need the help of the commission, and may we, through the support and auspices of it, continue to make it better.



Our caucus will support this resolution. We believe that it is a worthwhile exercise and that the needs of all people in this province will benefit because of it.

Motion agreed to.

### STANDING ORDERS

Mr Conway moved resolution 9:

That the provisional and permanent standing orders be amended as follows and be adopted as the permanent standing orders of the House: "1. Standing order 34 be amended by adding the following clause: 34(e) If a recorded vote is requested, the division bells shall be limited to five minutes.

"Standing order 120(f) be amended by striking out 'where the time for a vote in the House is pre-arranged by agreement of all parties' in the first and second lines.

"Standing order 120 be further amended by adding the following clauses: (g) During the ringing of division bells as provided in clause (f), the vote may be deferred at the request of any chief whip of a recognized party in the House. The Speaker shall then defer the taking of the vote to a specified time, but not later than 6 pm on the next sessional day, at which time the bells shall be rung for not more than five minutes. "(h) Divisions requested on motions to adjourn the House or the debate, that the Chair of a committee of the whole House report progress and ask for leave to sit again or leave the chair, and for closure shall not be deferred. "2. Standing order 31 be deleted and the following substituted therefor: 31(a) A petition to the House may be presented at any time during the session by a member filing it with the Clerk of the House or in the manner set out in clause (b). (b) A member may present a petition in the House during routine proceedings under the proceeding 'Petitions.' The member may make a brief statement summarizing the contents of the petition and indicating the number of signatures attached thereto. (c) Every petition shall: (i) be addressed to the Parliament, Legislature or Legislative Assembly of Ontario; (ii) contain a clear, proper and respectful request that the House take some action within its authority; (iii) be written, typewritten or printed, without erasures or insertions; (iv) have its request appear at the top of every sheet, if it consists of more than one sheet of signatures; and (v) contain the names, addresses and original signatures written directly on the face of the petition and not pasted thereon or otherwise transferred to it. (d) Every member presenting a petition shall ensure that the

petition conforms with the standing orders. (e) The signature of every member presenting a petition shall be affixed to the petition. (f) No debate shall be allowed on the presentation of a petition. (g) The period for 'Petitions' shall be limited to 15 minutes. (h) Within eight sessional days of its presentation, the government shall file a response to a petition with the Clerk of the House and shall provide a copy of the response to the member who presented the petition. "3. Standing order 26 be deleted and the following substituted therefor: 26. The routine proceedings before the orders of the day are as follows: Members' Statements; Statements by the Ministry and Responses; Oral Questions; Motions; Petitions; Reports by Committees; Introduction of Bills.

"Standing order 38(a) be deleted and the following substituted therefor: 38(a) Motions to adjourn the House or the debate may not be moved until after the oral question period except upon unanimous consent of the House. Such motions do not require notice. "4. Standing order 2 be renumbered as standing order 2a.

"The standing orders be amended by adding the following new standing order: 2(a) During a Parliament, the House shall meet: (i) from the second Monday in March to the Thursday preceding Victoria Day and from the first Monday following Victoria Day to the fourth Thursday in June; and (ii) from the fourth Monday in September to the Thursday preceding the week in which Remembrance Day falls and from the Monday of the week following Remembrance Day to the third Thursday in December. (b)(i) During the last eight sessional days in June and December, a motion to extend the hours of meeting during the remaining days in each period provided for in clause (a) may be proposed, with notice, by a minister of the crown; (ii) No such motion may specify that the House meet beyond 12 midnight; (iii) Not more than two hours after the commencement of proceedings on such a motion, the Speaker shall put every question necessary to dispose of the motion. If a recorded vote is requested by five members, the division bell shall be limited to 15 minutes. (c) As soon as possible after New Year's Day, the Clerk of the House shall publish a calendar which shows the days on which the House shall meet, according to the standing orders, and the remaining time available for committee meetings, during the calendar year.

"Standing order 2a(d) be amended by inserting after 'meet' in the first line 'during the week prescribed by the regulations made under the



Education Act for the school holiday in March or'.

"The standing orders be amended by adding the following new standing order: 57a. No government public bill, other than the supply bill, introduced during the last eight sessional days in June in the period provided for in paragraph (i) of standing order 2(a) or during the last eight sessional days in December in the period provided for in paragraph (ii) of standing order 2(a) shall be called for second reading in the same period. "5. Standing order 37 be deleted.

"The standing orders be amended by adding the following new standing order: 54a. (a) In each of the two periods provided for in standing order 2(a), there shall be five sessional days to be known as opposition days. (b) The opposition days referred to in clause (a) shall be distributed among the recognized opposition parties in proportion to their membership in the House. (c) On the last sessional day of a week during which the House meets, notice, having been given by a member of a recognized opposition party, shall be printed on the Orders and Notices paper specifying, (i) the day in the following week which is to be designated as an opposition day; and (ii) the text of a motion to be debated in the House or a subject-matter to be considered in the committee of the whole House. In all cases, the notice shall indicate the minister of the crown to whom it is addressed. (d) If more than one notice of an opposition day is received, the Speaker shall select one for consideration, taking into account the order in which they were received. (e) A matter to be debated or considered on an opposition day shall be taken up immediately following routine proceedings on such day. (f) The Speaker or the Chair of the committee of the whole House, as the case may be, shall apportion the time available for any matter to be debated or considered under this standing order equally among the recognized parties in the House. The time for a reply by the mover of a motion under this standing order shall be included in the time apportioned to the party of which the mover is a member. (g) Debate on a motion shall be limited to one sessional day. At five minutes before the ordinary hour of daily adjournment, the Speaker shall interrupt the proceedings and shall put the question without debate. If a recorded vote is requested, the division bells shall be limited to five minutes. (h) Where notice has been given of a subject-matter to be considered in the committee of the whole House, the House shall resolve itself into a committee of the whole House to

consider the matter. At the time for the daily adjournment of the House, the Chair shall interrupt the proceeding before the committee of the whole House and shall rise and report that consideration of the subject-matter has concluded pursuant to this standing order. (i) No motion under this standing order may be for second or third reading of a bill. (j) No amendment may be made to a motion under this standing order. (k) Only one opposition day may be designated during any week the House meets. (l) No motion shall be debated nor subject-matter considered, (i) on any day on which the Treasurer has given notice of his intention to present the budget; or (ii) during the last eight sessional days in each of the two periods provided for in standing order 2(a). (m) No motion under this standing order shall be a motion of want of confidence in the government. "6. Standing orders 48, 49, 50, 51, 52, 53 and 54 be deleted and the following substituted therefor: 48. All main estimates shall be presented to the House not later than five sessional days following the presentation of the budget and shall be deemed to be referred to the standing committee on estimates. 49(a) The standing committee on estimates shall consider the estimates of not fewer than six and not more than 12 ministries and offices. (b)(i) The estimates of the ministries and offices to be considered by the committee shall be selected in two rounds by members of the committee such that in each round the members of the party forming the official opposition shall choose first, the members of a recognized party having the third largest membership in the House shall choose second and the members of the party forming the government shall choose third; (ii) In each round, the members of each party may choose the estimates of one or two ministries or offices to be considered. (c) The estimates of ministries and offices shall be considered in the order in which they were selected as provided in clause (b). (d) The time for the consideration of the estimates of each ministry or office shall be determined by the members of the committee who selected such estimates for consideration. If the members of a party choose the estimates of one ministry or office in a round not more than 15 hours shall be allocated to the consideration of the estimates of that ministry or office and if the members of a party choose two ministries or offices in a round, not more than 15 hours shall be allocated to the consideration of the estimates of both. (e) No estimates shall be considered in the committee while any matter relating to the

same policy field is being considered in the House.

"50(a) All other estimates not selected for consideration by the standing committee on estimates shall be deemed to be passed by the committee and shall be reported back to the House. (b) The report of the committee shall be deemed to be received and the estimates for the ministries and offices named in the report shall be deemed to be concurred in.

"51(a) All supplementary estimates shall be deemed to be referred to the standing committee on estimates as they are presented to the House. (b) The committee shall consider the supplementary estimates of the ministries and offices selected within the time allocated pursuant to standing order 49 for the consideration of the main estimates. (c) All other supplementary estimates shall be reported back to the House. The report of the committee shall be deemed to be received and the supplementary estimates for the ministries and offices named in the report shall be deemed to be concurred in.

"52(a) The standing committee on estimates shall present one report with respect to all of the estimates and supplementary estimates considered pursuant to standing orders 49 and 51 no later than the third Thursday in November of each calendar year. (b) In the event the committee fails to report the said estimates on the date provided for in clause (a), the estimates and supplementary estimates shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House. (c) There shall be an order for concurrence placed on the Orders and Notices paper for each of the estimates reported from the committee. A maximum of six hours shall be allotted for a debate at a later meeting on the orders for concurrence. At the expiration of six hours, or when all members who wish to take part in the debate have spoken, whichever shall come first, the Speaker shall put every question necessary to dispose of the order for concurrence in supply for each of the ministries and offices named in the committee's report. No amendment to any question may be moved; such debate shall be in the House with the Speaker in the chair and subject to the normal standing orders.

"53. The minister or person answerable for the estimates considered by the standing committee on estimates shall provide each member of the committee and the clerk of the committee with advance briefing material which shall include such information as growth rates, interim expenditures for the previous fiscal year, and an

explanation of the programs and funding by particular item.

"54(a) On the first item of the first vote of each set of estimates, a representative of each recognized party may speak for not more than 30 minutes and the minister or person answerable for the estimates is allowed not more than 30 minutes for a right of reply. Thereafter, the chair of the standing committee on estimates shall ensure that the members adhere strictly to the vote and item under consideration and shall apportion the remaining time among the recognized parties on the committee. (b) When the committee has concluded its consideration of the estimates of a ministry or office or the time established for the consideration of such estimates has expired, the chair shall put without further amendment or debate every question necessary to dispose of the estimates.

"Clauses (e), (f), (g), (h), (i) and (j) of standing order 90 be renumbered as clauses (f), (g), (h), (i), (j) and (k), respectively.

"Standing order 90 be amended by adding the following clause: 90(e) Standing committee on estimates;

"Standing order 95(b) be deleted and the following substituted therefor: 95(b) The chair of the standing committee on estimates shall be a member of a recognized party in opposition to the government, the chair of the standing committee on finance and economic affairs shall be a member of the party forming the government and the chair of the standing committee on public accounts shall be a member of the party forming the official opposition. "7. The standing orders be amended by adding the following new standing order: 105a. Following the election of a chair and vice-chair at its first meeting in each session, a standing committee shall appoint a subcommittee on committee business, consisting of a chair of the standing committee as chair and one member from each of the recognized parties on the committee, to meet from time to time at the call of the chair or at the request of any member thereof and to report to the committee on the business of the committee. "8. The standing orders be amended by adding the following new standing order thereto: 54b(a) In any calendar year, each member, other than the chair, of a subcommittee on committee business for a committee set out in clauses (a), (b), (c) and (d) of standing order 90, shall be entitled to designate, (i) matters to be considered by the committee relating to the mandate, management, organization or operation of a ministry, office or agency, board or commission assigned to the



committee; and (ii) the time for consideration of each matter, provided that not more than a total of 12 hours may be devoted by the committee to the consideration of matters designated by each member of the subcommittee. (b) The subcommittee shall make a report to the committee on a matter designated pursuant to clause (a) which shall include a precise statement of the matter to be considered, the time to be allocated for the consideration of the matter, the date on which consideration of a matter is to commence, and the names of any witnesses to be invited to appear before the committee. (c) A report under this standing order from the subcommittee on committee business shall be deemed to be adopted and shall take precedence over all other business before the standing committee except government public bills referred to the committee by the House. No such report shall be received by any standing committee during the last eight sessional days in each of the two periods provided for in standing order 2(a). (d) During the consideration of any matter under this standing order, the chair of the standing committee shall apportion the time among the recognized parties on the committee. At the expiration of the time provided for the consideration of the matter, the chair shall put forthwith, without further debate or amendment, every question necessary to dispose of any item relating to the matter under consideration. (e) Notwithstanding clause (c), where consideration of a government bill prevents a matter from being considered by a standing committee for a reasonable time, the committee shall appoint a subcommittee consisting of the vice-chair of the standing committee as chair and one member from each of the recognized parties on the committee to hold meetings to receive evidence and to report thereon to the standing committee. "9. Standing order 27 be deleted and the following substituted therefor: 27(a) A member, other than a leader of a recognized party in the House or a minister of the crown, may be recognized to make a statement for not more than one and one half minutes. (b) Up to three members from each of the recognized parties in the House may make a statement during the period for members' statements. (c) Members shall be recognized as follows: the official opposition first, followed by other recognized opposition parties in order of their membership in the House and finally the government, and then in rotation starting with the official opposition. "10. Standing order 12 be deleted and the following substituted therefor: 12(a) At the commencement of the first session of a Parlia-

ment, or from time to time as may be required, a member shall be appointed by the House to be Deputy Speaker and Chair of the committees of the whole House. (b) The Deputy Speaker shall, whenever the Speaker is absent or otherwise unable to act, perform the duties and exercise the authority of the Speaker and shall otherwise assist and relieve the Speaker as directed by the Speaker. (c) At the commencement of every Parliament, or from time to time as may be required, the House shall appoint two Deputy Chairs of the committees of the whole House, to be known respectively as the First and Second Deputy Chair of the committees of the whole House, either of whom shall, whenever the Chairman of the committee of the whole House is absent or otherwise unable to act, be entitled to exercise all the powers vested in the Chair of the committees of the whole House including those powers as Deputy Speaker. "11. The standing orders be amended by adding the following new standing order: 12a. On the advice of the House leader of each of the recognized opposition parties in the House given to the government House leader, up to two of the four preceding officers of the House shall be chosen from recognized opposition parties. "12. Standing order 17 be deleted and the following substituted therefor: 17. Before a session is prorogued, the government House leader shall announce the approximate date upon which the assembly will be reconvened. "13. Standing order 25 be deleted. "14. Standing order 29(f) be deleted and the following substituted therefor: 29(f) A minister to whom an oral question is directed may refer the question to another ministry who is responsible for the subject matter to which the question relates. "15. Standing order 46 be amended by striking out 'eight' in the first line and substituting 'six' therefor and by deleting 'not fewer than' in the first line.

"Standing order 46 be further amended by adding the following clause: 46(b) Only an amendment and an amendment to the amendment may be moved to the motion for an address in reply to the speech from the throne. "16. Standing order 67 be amended by striking out 'by the committee of the whole House' in the first line and substituting 'in a committee' therefor. "17. Standing order 71(c) be deleted and the following substituted therefor: 71(c) The time available for debate on each item of business under this standing order shall be apportioned as follows: (i) 10 minutes for the member moving a motion; (ii) a period of 15 minutes to be allotted in rotation for a representative or representatives

of each of the recognized parties in the House. The mover of the motion may speak a second time during the time provided for a representative or representatives of the party of which he or she is a member; (iii) two minutes for a reply by the member moving the motion.

"Standing order 71(f) be deleted and the following substituted therefor: 71(f) When the time allotted for the consideration of private members' public business has expired or at 12 noon, whichever is later, the Speaker shall put the question to the House on items on which a vote has not been blocked under clause (e). Divisions under this standing order shall be deferred and taken in succession. In such cases, the division bell shall be limited to five minutes. The House will continue to meet until the necessary votes have been completed at which time the Speaker shall leave the chair until 1:30 pm.

"Standing order 71(j) be deleted and standing orders 71(k) and 71(l) be renumbered as standing orders 71(j) and 71(k) respectively. "18. Standing order 118 be deleted and the following substituted therefor: 118(a) The Speaker shall establish a reasonable sum per diem and a reasonable allowance for travelling expenses which may be paid, at the discretion of a committee or the chair thereof, to a witness summoned by a Speaker's warrant or specifically invited to attend before any committee of the House. (b) The claim of a witness for payment shall state the number of days during which he or she was in attendance, the days necessary to travel to and from the committee meeting and the amount of his or her travelling expenses, and shall be supported by all necessary receipts. Before being paid, such a claim shall be certified by the chair and clerk of the committee before which the witness attended. "19. Standing order 131 be deleted and the following substituted therefor: 131. The management of the legislative library, including the regulation of admission, hours of operation, maintenance of a catalogue of books, and security and preservation of the collection, is the responsibility of the executive director of the legislative library, subject to such orders as the executive director may receive from time to time from the Speaker or the House. "20. Standing order 108 be deleted and the following substituted therefor: 108(a) Immediately after the chair of a standing or select committee has put the question on any motion, there shall be, if requested by a member of the committee, a wait of up to 20 minutes before the vote is recorded. (b) Votes shall be taken by a show of hands

unless a member of the committee requests a recorded vote immediately after the question is put. (c) When a vote takes place in a standing or select committee, the clerk of the committee shall record in the minutes of proceedings the question proposed, the name of the proposer and, if requested by a member of the committee, the vote of each member present. "21. The standing orders be amended by adding the following new standing order: 1a. The election of the Speaker shall be conducted in the following manner: (a) At the opening of the first session of a Parliament, or whenever the office of the Speaker becomes vacant, a member, other than a leader of a recognized party in the House or a minister of the crown, addressing the Clerk, shall propose some member to the House to be Speaker and shall move that such member 'Do take the chair of this House as Speaker'. (b) A member when nominated and seconded shall inform the House whether he or she accepts the nomination. (c) The Clerk shall then ask 'Are there any further nominations?' and if there are no further nominations, the Clerk shall say 'I declare the nominations closed.' The Clerk shall then, without question put, declare the member so proposed and seconded to be elected as Speaker. Such member shall be conducted to the chair by the proposer and seconder of the motion and shall take the chair of the House as Speaker. (d) If more than one member is proposed as Speaker, the Clerk shall, after the second nomination and after each subsequent nomination, if any is made and seconded, ask, 'Are there any further nominations?' and if there are no further nominations, the Clerk shall say, 'I declare the nominations closed.' (e) Members present in the chamber shall be provided with ballot papers by the Clerk. (f) When only two members are nominated and seconded as Speaker, the election shall be conducted as follows: (i) Each member wishing to do so shall deposit in a ballot box on the table a ballot paper on which is printed the name of the candidate for whom the member votes; (ii) Once all members wishing to vote have deposited their ballot papers, the votes shall be counted by the Clerks at the table in the presence of one member of each of the recognized parties in the House. The results of the vote shall be kept in confidence by all those persons present. The Clerk Assistant shall provide the Clerk with the name of the member who has received the greater number of votes; (iii) The Clerk shall then declare such member to be elected as Speaker. (g) When more than two members are nominated and seconded as Speak-



er, the votes shall be conducted in the manner prescribed in clauses (e) and (f) and the member who has received a majority of the votes cast shall be Speaker. In the event of no member having received a majority of the votes cast, the name of the candidate having the smallest number of votes shall be excluded from subsequent ballots, and a further ballot shall take place. This balloting shall continue until one candidate is declared to be elected as Speaker by such majority. (h) In the event of an equality of votes, the Clerk shall cause a further ballot to be taken. (i) At any time after the result of the first ballot is declared, but before the commencement of a second or subsequent ballot, a candidate may withdraw his or her name from the election, which shall then proceed as if such member had not been nominated. Whenever at any stage a withdrawal leaves only one candidate remaining, such candidate shall, without further voting, be declared elected as Speaker. (j) During the election of a Speaker there shall be no debate and no questions of privilege may be raised. (k) No leader of a recognized party in the House or minister of the crown shall be eligible to be nominated to the office of Speaker. (l) The election of Speaker shall take precedence over all other business and no motion for adjournment nor any other motion shall be accepted while it is proceeding and the House shall continue to meet if necessary beyond its ordinary daily time of adjournment, notwithstanding any standing or special order, until a Speaker is declared elected, provided that if the House has continued to sit beyond its ordinary daily time of adjournment, the Speaker shall thereupon adjourn the House until the next sessional day. "22. Standing order 9 be repealed and the following substituted therefor: 9(a) The Speaker shall preserve order and decorum, and shall decide questions of privilege and points of order. In making a decision on a question of privilege or point of order or explaining a practice, the Speaker may state the applicable standing order or authority. (b) No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal to the House. (c) No motion may be moved which reflects on any such decision by the Speaker.

"Standing order 19(c) be deleted and the following substituted therefor: 19(c) A member called to order shall sit down, but may afterwards explain. The Speaker shall decide on the case, without debate, and the decision of the Speaker shall be final.

"Standing order 102 be deleted and the following substituted therefor: 102(a) The chair of a standing or select committee shall maintain order in the committee and decide all questions of order subject to any appeal by the majority of the members of the committee to the Speaker. No debate shall be permitted on any decision of the chair. (b) If the majority of the members of a standing or select committee appeal the decision of the chair of the committee to the Speaker, the chair shall at the next meeting of the House present a report which accurately states the matter on which the chair decided, the arguments raised by members of the committee and the decision made by the chair and the Speaker shall confirm or vary any decision of the chair. (c) If the House is adjourned, in recess or is not otherwise meeting on a day on which a decision of the chair of a standing or select committee is appealed to the Speaker, the chair shall deliver a copy of the report to the Speaker and shall file a copy of the report with the Clerk of the House. The decision of the Speaker shall be in writing, shall be delivered to the chair and the clerk of the committee and shall be entered in Votes and Proceedings on the first day on which the House next meets. (d) Disorder in a standing or select committee can only be censured by the House on receiving a report from the committee.

"Standing order 113 be deleted and the following substituted therefor: 113(a) The Chair shall maintain order in a committee of the whole House and decide all questions or order subject to an appeal by any member to the Speaker. No debate shall be permitted on any decision of the Chair. (b) If an appeal of a decision of the Chair of the committee of the whole House is made to the Speaker, the Chair shall rise and report immediately thereon to the Speaker without any question being put to the committee. On receiving a report from the Chair and reviewing the proceedings, the Speaker shall confirm or vary any decision of the Chair. (c) Disorder in a committee of the whole House can only be censured by the House on receiving a report from the committee. "23. Standing order 119 be repealed and the following substituted therefor: 119(a) Except where all strangers have been excluded on a motion properly moved and adopted by the House or a committee of the whole House, a full Hansard service shall be provided for all sittings of the House or the committee as the case may be. (b) A full Hansard service shall be provided for all standing and select committees, except as may be otherwise ordered by a committee. "24. Standing order

35(c) be deleted and standing orders 35(d) and (e) be renumbered as 35(c) and (d) respectively.

"The standing orders be amended by adding the following new standing order: 90a(a) Standing committees set out in clauses (a), (b), (c) and (d) of standing order 90, shall, in addition to any other powers granted to them, be authorized to study and report on all matters relating to the mandate, management, organization or operation of the ministries and offices which are assigned to them from time to time, as well as the agencies, boards and commissions reporting to such ministries and offices. (b) The standing committee on the Legislative Assembly shall prescribe the ministries and offices assigned to the standing committees for the purposes of this standing order and shall make a report thereon to the House. Initially, it is recommended that the ministries and offices of the government be assigned to the standing committees as follows:

"Standing committee on administration of justice: Ministry of the Attorney General; Ministry of Consumer and Commercial Relations; Ministry of Correctional Services; Ministry of the Solicitor General.

"Standing committee on general government: Management Board of Cabinet; Ministry of Citizenship; Ministry of Culture and Communications; Ministry of Financial Institutions; Ministry of Government Services; Ministry of Housing; Ministry of Intergovernmental Affairs; Ministry of Municipal Affairs; Ministry of Revenue; Ministry of Treasury and Economics; Office for Francophone Affairs; Office for Native Affairs; Office for Women's Issues; Office of the Premier and Cabinet Office.

"Standing committee on resources development: Ministry of Agriculture and Food; Ministry of Energy; Ministry of the Environment; Ministry of Industry, Trade and Technology; Ministry of Labour; Ministry of Northern Development and Mines; Ministry of Natural Resources; Ministry of Tourism and Recreation; Ministry of Transportation.

"Standing committee on social development: Ministry of Colleges and Universities; Ministry of Community and Social Services; Ministry of Education; Ministry of Health; Ministry of Skills Development; Office for Disabled Persons; Office for Senior Citizens' Affairs. "25. Standing order 20(a)(iv) be amended by inserting after 'recognized' in the fourth line 'opposition.' "26. Standing order 61(c) be amended by striking out '20' in the third line and substituting '12' therefor. "27. Standing order 3(a) be amended by

striking out 'sitting' in the third line and substituting 'sessional' therefor.

"Standing order 5(b) be amended by striking out 'sitting' wherever it appears and substituting 'sessional' therefor.

"Standing order 5(c) be amended by striking out 'sitting' in the last line and substituting 'sessional' therefor.

"Standing order 10 be amended by striking out 'sitting' in the third line and substituting 'meeting' therefor.

"Standing order 14 be amended by inserting after 'one' in the second line 'sessional.'

"Standing order 16 be deleted and the following substituted therefor: 16. The term 'sessional day' means any day on which the House meets.

"Standing order 21(b) be amended by striking out 'day's sitting' in the third line and substituting 'sessional day' therefor.

"Standing order 29(a) be amended by striking out 'at a later sitting' in the ninth and 10th lines and substituting 'on a future sessional day' therefor.

"Standing order 35(d) be amended by striking out 'sitting' in the fifth, ninth and 10th lines and substituting 'sessional' therefor.

"Standing order 40(a) be amended by striking out 'in allotted sittings' in the fifth line and substituting 'on allotted days' therefor.

"Standing order 56 be amended by striking out 'sitting' in the third and fourth lines and substituting 'sessional' therefor.

"Standing order 70(b) be amended by striking out 'sitting' and substituting 'sessional day' therefor.

"Standing order 90 be amended by striking out 'sitting' in the first line and substituting 'sessional' therefor.

"Standing order 94 be amended by striking out 'sitting' in the first line and substituting 'sessional' therefor.

"Standing order 97 be amended by striking out 'sitting' in the third line and substituting 'sessional' therefor.

"Standing order 99(c) be amended by striking out 'sitting' in the first and sixth lines and substituting 'meeting' therefor.

"Standing order 100(b) be amended by striking out 'sit' in the second line and substituting 'meet' therefor.

"Standing order 32(d) be amended by inserting after '120' in the first line 'calendar.'

"Standing order 58(b) be amended by inserting after 'second' in the fifth line 'sessional.'

"Standing order 63 be amended by inserting after 'five' in the second line 'calendar.'



"Standing order 66(c) be amended by inserting after 'second' in the third line 'calendar.'"

"Standing order 71(h) be amended by striking out 'two weeks' in the first line and substituting '14 calendar days.'"

Standing order 88(d) be amended by inserting after '14' in the first line 'calendar.' "28. These permanent standing orders come into force at 12 midnight on the 9th day of October, 1989. "29. The Clerk of the House is authorized and instructed to print a revised edition of the standing orders of the House, renumbering as may be deemed necessary and making such technical and consequential changes as may be necessary."

**Hon Mr Conway:** I want to pick up the discussion we had surrounding motion 8 involving the provisional rules that have been in place for some time. This government motion 9 represents the efforts of a goodly number of people over the last number of weeks and I want to review very briefly this afternoon the government's position with respect to the rules, the standing orders of this Legislature, and to remind my colleagues that it is now some six or seven weeks ago that I indicated the government's intention to move on certain aspects of our rules because, quite frankly, we had felt for some time that it was appropriate to move on the provisionals that had been in place, as I indicated earlier, for some time.

I also indicated that, notwithstanding the fact there had been discussions over the course of many months around many tables about how we might build on the very excellent work that had been done by a number of people, and certainly one of the leaders in all that work is my very good friend and esteemed colleague the member for Oshawa (Mr Breaugh), who has joined us this afternoon for this debate, one of the reasons that the government felt in early June that a time for action and decision had arrived is that, from our point of view, we felt we were facing a pattern of obstructionism that was really making this place somewhat less effective and less efficient than the people of Ontario expect it to be. I do not want to rethraash a lot of old straw, but I think my friend the member for Nickel Belt (Mr Laughren) knows what of I speak: the endless ringing of bells, the mindless reading of petitions, the challenges of the Speaker's rulings to precipitate bell-ringing, emergency debates coming fast and furious.

**Mr Villeneuve:** Where did we all learn that from, anyway?

**Hon Mr Conway:** I say to my friend from Moose Creek it is true that over the course of the mid 1970s through the mid 1980s there had been from time to time some vigorous opposition, some of which I even participated in. I really have to believe that what we saw here through the spring of 1988 through late spring 1989 was unprecedented in so far as the traditions and the customs and the practices of this Legislature were concerned.

In June I indicated, on a pretty lively afternoon here, as I recall it, the government's intention to deal with a number of specific concerns: a limit on bells; a limit on petitions; an abolition of emergency debates but a replacement of that mechanism with opposition days; I wanted to eliminate the challenges of the Speaker's rulings.

I know at the time it was felt that it was a fairly direct action on my part, but I have to say that I believe that government motion 5 standing in my name was in fact very necessary and ultimately positive because it focused the mind of this place on the need to make change.

I know that my friends—

**Mr Laughren:** Oh, Sean.

**Mr Breaugh:** Time to pass out the rubber boots, Sean.

1620

**Hon Mr Conway:** Well, listen, I am trying to give an indication of what it is the government has been about. I know I am going to hear from my friends opposite and they are going to want to contribute, but I want to be frank and honest in indicating the views of the government. I have to observe that since the introduction of government motion 5, I have felt that there has been a very renewed and a very real effort on all sides to look at questions about which we had been discussing a great deal but perhaps not deciding very much.

**Mr Reville:** Ten years, ten years.

**Hon Mr Conway:** My friend the member for Riverdale says that the debate has been going on for 10 years and I think that it is probably true. I think there has been a lot of progress made and a lot of people ought to share in that credit. I am looking at a number of the people who have played a very constructive role. My friend the member for Riverdale points to the member for Oshawa and rightly so.

Let me say, without embarrassing anybody, I think the member for Windsor-Riverside (Mr D. S. Cooke) and the member for Riverdale have been very helpful and very constructive. The member for Nipissing (Mr Harris), particularly,

assisted on occasion, well I should not say on occasion, and was assisted by the member for Carleton (Mr Sterling). From my point of view I have to say the chief government whip, the very estimable member for Middlesex (Mr Reycraft), has certainly done yeoman service.

**Mr D. S. Cooke:** He is the one who got you off the hook.

**Hon Mr Conway:** My friend the member for Windsor-Riverside observes that the member for Middlesex often got me off the hook and that is quite true because the member for Middlesex has a very deft and diplomatic character that I do not always match.

**Mr D. S. Cooke:** He is a nice guy.

**Hon Mr Conway:** He is a nice guy. I tell you I think that he is one of the nicest, best guys that I have ever known in this place and he is also very effective. So with his input and the input of the other members whom I have mentioned, we have now—

**Mr D. S. Cooke:** Even so, he is only going to be a two-tripper.

**Hon Mr Conway:** Actually, Michael Cassidy told me 14 years ago that I was just an overnight guest. I smarted on that occasion but I am happy to say that—

**Mr Braugh:** He was never good with time.

**Hon Mr Conway:** I am quite serious. There has been a lot of very good work right up until this morning. I do not want to tell tales out of school, but I will tell you what happened this morning.

My good friend the member for Nipissing phoned and he said: "Listen, we've been working over the evening with this package and it's this business of the 12 or 20 members. We don't perhaps have quite the same understanding that you do. Would you take another look at it?" I indicated that since the member for Middlesex had really done that, I would talk to him and we would see what we could do. The member for Middlesex then encountered the member for Riverdale who said, "You know, we have the same memory of this that the member for Carleton has." And I am pleased to say that later this afternoon the very fine member for Middlesex will be introducing an amendment to incorporate that change.

I see the Leader of the Opposition has joined us. Some of his staff were available well into the evening last night and they made, as well, a number of very helpful comments about what certain things might involve or what they might mean.

So government motion 9 builds on the very important principles that were incorporated in government motion 5 in June. I remember saying in June, although not everybody heard me say it, that there were some key elements that the government felt very strongly about, but we were quite prepared to add to that list. I am very pleased to say that over the course of the last number of weeks, we have been able to do that.

**Mr D. S. Cooke:** You can't justify what you said. Just say you were wrong and this is the correction of that mistake.

**Hon Mr Conway:** I will await the input of my friend the member for Windsor-Riverside who, I repeat, has been very helpful and very constructive in these discussions. But I think it is important for me to say that the outset of this latest journey was, of course, initiated after I think something like 188 hours of bell-ringing involving one of the matters that was before the House earlier this spring. What I said at that time was that we were quite prepared to build on the key elements of the June proposal. We have now a motion which incorporates all of that and adds very substantially to that.

For those members who have not been involved very intimately with this, although I know it has been widely reported back to caucuses, what we have in government motion 9 is a limit on bells, a maximum limit of 30 minutes, and a 15-minute limit on a daily basis to the reading of petitions. We have a procedure now to have opposition days. We have established a new standing committee on estimates. We have eliminated the challenge of the Speaker's rulings, but offsetting that is the election of the Speaker, the right of all parties to nominate a representative to the presiding team and the addition of one individual to that presiding team so that it goes from three to four.

Very important, I think, for all members is the provision in this package which creates for the first time a parliamentary calendar with, on average, a 100-day sitting, roughly 25 or 26 weeks when the House will sit.

It is very important to observe for the people who would be watching this afternoon or reading the Hansard that of course, when the House is not sitting, we expect that committees like the standing committee on government agencies, the standing committee on administration of justice and all the other standing committees will go about the very important business they have to do in examining legislation referred to them by the House. Perhaps as important or more important, in the intersessional period those committees



have the opportunity to hold public hearings to give people from Glengarry, Oshawa, York South, Carleton and perhaps even Renfrew the opportunity to come to a standing committee to have their say about government legislation or other matters that would be before the committee.

**Mr Villeneuve:** And be listened to.

**Hon Mr Conway:** And be listened to, as the member for Stormont, Dundas and Glengarry very rightly observes.

The accountability of government action is strengthened in these new rules by giving to committees the right to initiate their own investigations. The rule changes provide an opportunity for a certain number of committees to take up matters of their own choosing. I think that is a very important step forward for the Legislature generally and for individual members specifically.

I simply want to conclude my remarks by saying that these rule changes, I believe, are significant. They do move this Legislature forward, and they move it forward in a way that respects a lot of what is being done in other parliaments in the British Commonwealth. I believe they are changes that effect a fair and reasonable balance, giving to the government a clearer means by which to get on with its business.

The calendar, for example, provides a number of opportunities at the end of the spring and fall sittings for the government to get its work done. It is advantageous to government in that it ends the kind of obstruction that was causing some real concern, I think, on all sides earlier in this Parliament. It provides for the opposition new opportunities, such as opposition days, committee references, representation on the presiding team and the right to participate with all other members in the election of a Speaker. I think it will be seen to be a real benefit for the community at large and for taxpayers, who pay the freight for this railroad and expect it to be, relatively speaking—and I accept that this is a Parliament. This is not any kind of ordinary business environment, but we come here as legislators to debate issues, to have very heated arguments often on matters of very significant public concern. Surely the emphasis must be on debate, on decision, and I think we have moved forward with these proposals to meet that very laudable objective.

**1630**

As I take my seat, I simply want to indicate once again how much I have appreciated the

input of the members I have mentioned. This is to a very real extent a credit to their assistance and their involvement. Speaking personally, I want to thank in a very special way my colleague the member for Middlesex (Mr Reycraft), whom I referred to earlier. I think it is also important for me to thank the table officers, the Clerk's office and, in a particular way, Smirle Forsyth, who has worked long and hard over the last number of weeks, particularly the last few days, in redrafting and helping us all through some of the refinements we have wanted to make.

**Mr Breagh:** As the member for Renfrew North, the government House leader, made his introductory remarks, I was noticing how many members in the chamber here this afternoon have been through this exercise many times. It is perhaps the classic example that governments—of different political parties, now—never do what they ought to do, they only do what they have to do. That is perhaps another case in point.

I cannot count the number of occasions I have been quite prepared to stand here and support this motion in some form or other. I notice that the member for Renfrew North claims victory, as he is quite free to do, and that this is mainly his initiative. It was not his initiative a decade ago, but I suppose he has every right in the world to take his little piece of credit for what might be seen by some of us as a very good thing this afternoon. I do not begrudge him that, but I do think it is worthy of a little chapter and verse here.

Mr Forsyth, one of our table officers, has been drafting this motion for about a decade in various forms. It has gone through everything I can conceive of, in terms of committee reports, committee resolutions, ad hoc agreements, members talking among themselves, putting notices in Orders and Notices, preparing resolutions, preparing drafts of the standing orders. We have done it all, a million and one times in a million and one ways, in this House, in committees, in the halls and everywhere we could think of, because all of us on all sides agreed that the standing orders needed to be changed, that some things were obviously wrong with the process and that they should be changed roughly in this direction.

Some will say that this will stop abuses. I think it is only fair of me to mention this afternoon that it will not. For hundreds of years now members of Parliament have gathered like this. No matter what the standing orders are, no matter what the rules are, no matter what you try to do, if somebody in that Parliament thinks things are not

right, he is going to take exception to it and he is going to find a way to do something the government thinks is really wrong, which the opposition should not do.

It is perhaps ironic this afternoon, when we finally see this motion being put to the House, that the government members who are putting the motion not so long ago were sitting, about where I am, as opposition members, applying their devious little minds as best they could to try to aggravate the government of the day, and they did that successfully.

I think we have to put on the record this afternoon that although this tries to drag this Parliament screaming into this century, unwillingly, not comfortably and not in a way it would like to do it—but it is here—it is not going to stop what some government member will consider to be an abuse of the rules. It is not going to stop what some opposition members think is really a wrongheaded government stomping all over the opposition. That is part and parcel of the parliamentary process anywhere in the world: Government members always think the opposition is being really rude and obnoxious and not doing what an upright citizen should do; opposition members think the government is really being pigheaded about all this and ramrodding something down the throats of everybody else.

That is at the heart of a parliamentary system. It is not a congressional system. It is not a process whereby the party with the most numbers knows that at the end of the day all it has to do is call a vote and win. Those of us who have watched the American system, for example, are quite confused by the process. I am confused by someone who purports to be the Speaker—In my view and in my experience here, the Speaker is always seen to be sometimes incompetent, sometimes wrong, but never someone who tries to do you harm. He is always someone who, even on the day he rules completely the wrong way, misinterprets everything you have said, all his years of parliamentary experience and he does it wrong, at least at the end of the day I always feel, "He didn't mean to do it wrong; he just hadn't quite figured it out yet."

When you go south to the United States and watch the American Congress at work and see there as the Speaker—I remember being there one afternoon when Tip O'Neill was explaining the process to us. Tip said: "Well, I call the vote. As soon as I see that I have the number of votes I want, then I say, 'That's it.'" We said, "Tip, how can you do that?" And he said, "Well, I have a scoreboard over here, and it tells me how

everybody is voting. If the vote isn't going the way I want it, I leave the chair and I go down and work the floor until I've got my win. When I've got my win, then I bang the gavel and that's it."

I thought that was a little strange; that is not the way I expect a Speaker to do things, but Tip said, "That's the way we do it." That is maybe one way the Congress of the United States differs from what our parliaments do.

A little explanation is in order, too, about the basic principles here, because they are pretty fundamental. This rule follows the pattern that has begun almost all across Canada now and in most of the parliaments in the world. First and foremost is that you elect a Speaker. Nobody kids himself into thinking that in this Parliament, for example, where there is a huge government majority, it is very likely that an opposition member is ever going to be elected Speaker, but it is a pleasant thought that at least there will be a formal vote; that if this is about the democratic process, if this is about democracy in the free world, at some point in time we would elect our most important officer—that is, the Speaker—by means of a balloting process.

When the federal government brought this monumental change into its world not very long ago, it was quite fascinating to watch. They actually did have an election and it really worked. The Parliament of Canada has worked pretty well ever since.

I think that is a pleasant thing to bring in. Once we accept that, that the Speaker is chosen freely from among us and that it is an open election, there is an electoral process, then it is not hard to say, "That's the one we chose." And on the day when he really screws up, when it is going to be very difficult not to stand up and say, "I want to challenge your ruling on that," then at least we will be able to remind ourselves that the person who made that ruling on that day is our mistake as well as everybody else's. That is fair. We may not like it a lot, but it is fair.

Part of what is in this motion and was in previous committee reports is an attempt to utilize all of the members of this chamber. One of the great faults of a parliamentary system, as I have known it and I think as most of us have known it, is that in this chamber there are some duds—that is true—but there are also some very hardworking, energetic people who have good ideas, and a parliamentary system traditionally does not provide much of an outlet for those people. They are supposed to stand up at the right time and vote the right way, and that is it.



Let me put a little heresy on the record, too. I think it would not do our parliamentary system a lot of harm if there were members on the government side and members on the opposition side who every once in a while said: "I don't agree with what my party is saying on this. I think differently and I want to vote differently." Not that people want, in Canadian politics, a whole lot of open votes or free votes or things like that, but the world would not end if there was an occasion—

**Mr D. S. Cooke:** Tell that to Howard Pawley.

**Mr Breugh:** I could tell that to Howard Pawley. You could tell a lot of things to Howard Pawley these days; it would not make much difference.

I do not think our parliamentary process would suffer if we introduced what is supposed to be here anyway, if the cabinet of any government had to actually work to get its bills passed.

If you go to Westminster, for example, the mother of all parliaments, you notice that just because Margaret Thatcher thinks something is a good idea and just because the Prime Minister of Great Britain decides that the cabinet should make this initiative, it does not necessarily mean it is going to carry the day in the House at Westminster. They then have to go out and work their members, as they have to work everybody else in society, to convince them that this is a good law. It is not a fact simply because the cabinet says it ought to be. This is heresy in our system, I know, but I do not think it is a bad heresy to start to think about.

#### 1640

I cannot tell the House, because most of it would be hearsay, how many times government members—of two political parties now—have told me what really happened when the government of the day took some initiative.

The theory is that the government of the day takes it to its caucus members and explains delicately and completely all the ins and outs of what the latest initiative on the part of the cabinet really is. That is the theory; it is not a very accurate theory, unfortunately. There are occasions when one person has entered the cabinet room and said, "This is what we're doing, and we're doing it this afternoon whether you like it or not." It causes quite a little flurry of activity around the cabinet table, I am told, and it causes quite a little flurry of activity in the government caucus, I am told.

That is not the way things are supposed to be. If we could move the parliamentary process back to its origins so that a government had to win,

first, the support of its own caucus members, would that not be a revolutionary change; if governments could not walk in and say: "Listen, you're all on side with this initiative. Whether you like it or not, whether you think it's stupid or not, you're on side. If you're not on side, you'll never be in the cabinet, you bad little person, you'll never get another trip outside of Humboldt, Saskatchewan, you bad little person, you'll never become a parliamentary secretary, you bad little person, and we won't even let you get your picture taken with the Premier in the next general election?"

I could handle all of those tragedies myself, but I know this place is just full of people who cannot.

I do not think it would be bad for our society, for our Parliament, if we said to the government—any government—on any day: "Listen, if you've got some initiative, fine, take it. But you have to go to your own caucus first and you can't tell them, 'This is the way it is, folks'; you've got to win it." And when it comes time to actually have the vote on the matter, there may not be all the members on the government side who are in favour of what the government says.

I have been around here just long enough to know that there are lots of occasions when a minister of the crown—to be fair, I have seen it happen in two political parties—stands up and says, "This is what we're going to do," and he has not got the faintest clue in the world what it is he is going to do. He has not got the slightest bit of understanding of what he is proposing. I have seen cabinet ministers of different stripes now stand up and read speeches that they could not understand to save their souls. They had not the sweetest clue as to what they were actually proposing.

I have seen many ministers of the crown who did not know everything that was happening in their ministry. That is an impossible thing. No one can know what 30,000 civil servants are doing today, thank God. But I have seen lots of people who had a pretty good idea of what was happening in their ministry, and that is about as good as it gets. I have seen lots of ministers of the crown who really did understand what they were trying to do. Maybe they did not understand all the rules and regulations on down the line, but they knew what the purpose of the exercise was all about, and that is as good as it gets.

I hope this resolution provides an occasion for more members to do that. I think—and I have been losing this argument for a decade now—that a government which was smart enough to say to

its committees: "You're grown, rational people. You have good minds and good resources and here are some more resources for you to use. Go out and investigate this thing and tell us what we should do and then we'll do it," would know the basic political rule that if you do a good thing, it does not matter where it started: The last person to announce the good thing gets most of the credit for it.

I know I will go and work in a committee and make proposals and make recommendations to the House and some member of the cabinet will eventually stand up and say: "That's a good idea. I'll be there when they cut the ribbon, I'll hand them the cheque and you'll see my picture in the paper when we take that good initiative which you started a long time ago." As an opposition member, I will not even be there to hold his hand when he does that; it will be the government of the day that takes credit for it. That is, I think, pretty basic to the process of what is being suggested here.

I heard the member for Renfrew North (Mr Conway) say that this will be the end of the ringing of the bells. Maybe, maybe not. I do not know what the next devious thing will be that somebody thinks of, but I know that in my office there is a book called Erskine May which has written down hundreds of years of devious political minds at work. It is like a little filing system for nasty things to do this afternoon, how you could really make the government look stupid, how you could interpret the rules to your own advantage. None of that is going to stop. One can write a rule which says the bells will ring for 30 minutes; that is quite possible. But I cannot say what the next devious thing will be. There are 130 little minds at work in here and if you get them all mad enough at you, they will find some way to get that out of their systems, and they are going to have to.

One of the good things about a parliamentary system, in my view, is that unlike many other political systems, it is built on this basic premise: This House is full of people who are reasonable, honourable men and women. As long as you do not forget that, you are on safe ground. The moment that slips away from you, the moment you start thinking of them as being evil persons, you are in big trouble. You are, not them. The moment you think you are better than the rest of them, you are in big trouble.

If I may slip a little aside in here, I think that has been one of the problems this government has had in the last little while. It forgot where it came from. It forgot that there are people on the

opposition side who have minds too, and they are not too likely to take kindly to direction from somebody from the Office of the Premier.

That is a painful thing for the government to forget, and the pain will be on its side, not on this side. All they do, when they get a little arrogant, is provide the opposition members with lots of big targets to shoot at, and we are pretty good at that. Those of us who have been around for a while know how to take ministers off their high horse. They can have 15 staffers in the room telling them how wonderful they are; none of us are going to buy that line. We are not on their payroll. We are not here to make them look good. We are here to point out little areas where they might have a flaw or two. That is what a parliamentary system is about.

The government can write the standing orders any way it wants. We will find a way to exploit those standing orders. We will find a way to point out that the government is not quite perfect yet; that there are some things it could do that it has not done yet; that there are some ways it could spend money a little better than the way it is doing it now.

These rule changes, a long time in coming, do not do anything remarkable, but they do some things that are quite sensible. It is pretty hard for me to explain to other people in my world why it is that we do not really know whether this session is over today, tomorrow or next week. They figure that where they come from, one of the first things you would do is sit down and figure out when you are going to sit as a Parliament, when you are going to sit as committees, and when we get to see you back home. That sounds pretty basic.

Up until now, this Legislature has never resolved that. We were going along with the old idea that the boys would come in for six weeks and they would all stay at the Royal York Hotel downtown and they would do some business for a while, and then they would go back and be farmers or lawyers or teachers or whatever they were, and that was it.

This Parliament passed that about two decades ago. It only took us 20 or 30 years to figure it out; that is all. That is the only problem so far.

The calendar is a pretty sensible thing. When one stops to think of it, does one not ask people one works with: "What time do you start work? When do you end? Do you think you might have a holiday here and there? Do you think we might see you back home?"

I have been away from here for a little while. Here is the amazing thing. It always frightens



me. No one in Ontario seems to know that this House is still in session. They do not even care. They think it is summer, and they are fishing, they are swimming, they are eating ice cream cones and they are doing all the things that sensible people do.

Every once in a while when I was away, I would put on the old television set and I would actually watch the member for Carleton (Mr Sterling) give a speech: something I would never do if I were here. I could not figure out why he was bothering, because it was of no consequence at all, it had no direction to it and did not make any sense. The wonderful thing about television is that if it does not make any sense to you, you can always watch Huckleberry Hound or some other better speaker carry on with it.

Part of the problem is our own political selves. Sometimes we think we are a whole lot more important than the rest of the world does. I have represented a riding for 14 years. Lots of my very good friends do not know that this Legislature is located in Toronto, because they always ask me: "How are things in Ottawa?" and I always tell them they are fine. They tell me that I should criticize Mulroney and I say, "I always do." Although I read the polls that tell me David Peterson is the most popular politician in Canada, I have got a lot of people in my riding who do not know who David Peterson is. It is okay by me; I do not try to correct them too much on that.

## 1650

Sometimes we get a little carried away with ourselves here. This is a very incestuous kind of business. We read the morning newspapers—

**Hon Mr Conway:** For \$150 you can get to see Ed and Lucille tomorrow night at the Chateau Laurier.

**Mr Breaugh:** The member for Renfrew North wants me to put in a plug for a dinner in Ottawa tomorrow for Ed and Lucille Broadbent, and I would recommend that highly. They are two very fine Canadian citizens.

**Mr Kanter:** How much does it cost?

**Mr Breaugh:** It is \$150, but the member would not be interested because he would have to pay for it himself. Does the member want to interject a little more?

**The Deputy Speaker:** Get back to debate, and again through the Speaker.

**Mr Breaugh:** The Speaker is always interjecting. I have not elected you yet. Just hold off.

**The Deputy Speaker:** Out of respect, of course.

**Mr Breaugh:** I may get in one last challenge before the day is over.

I think these things are long overdue. All members I have talked to on all sides, if we have an agreement about anything, and we do not have much, it is that the standing orders here were not quite what we needed. I do not believe that these are perfection, because I was part of the negotiating process for a decade or so. I know there is something in here that is reasonable for all sides of the House. That is as good as it gets. It does not get any better than that.

It does not mean we have resolved all the problems. It does not mean that the animosity will dissipate all of a sudden, just because we change the standing orders. It will not. This does not have much to do with that. It does not mean that what the government calls an abuse of the rules will stop either. It will not.

For example, just to give members a little one, the government got upset because some members read petitions a lot. They did not like that, so they wrote in here that there should be a limit on the number of petitions. The day some member, man or woman, enters this chamber and says, "Mr Speaker, I've got a petition with 50,000 names on it," I would not like to be the Speaker who says, "But the 15 minutes are up." I will bet there would be somebody over there who will stand up and say, "Well, let's just give him another 20 or 30 seconds so he can get that on the record."

The one saving grace of the political process is the wisdom of the people who elect us. They see a system that is really different from what the members see. We see the standing orders, the cabinet, the House leader, the leader of the official opposition and the leader of the third party as being important. People who elect us see it in a whole different context. If it does not do them any good, they probably do not want to be bothered with it.

It seems to me that is fair. If it does not serve a useful purpose to them, they do not want to be bothered with it. It seems to me that is fair. If a Parliament is to be relevant to the people it serves, they should understand a little bit of the process, and they do. They understand it in a different way from those of us who are elected understand it.

I think this will provide some opportunities for members on all sides to do some good work, and I really welcome that possibility. I think it will take away some of the silly traditions that we have; not all of them, but some of them. One of the things I think members on all sides have agreed with for a couple of decades now is that

our estimates process did not serve the purpose. It was an excellent opportunity for a lot of very highly paid civil servants to sit around a committee room all afternoon, afternoon after afternoon.

It was an opportunity for them to write very long speeches for cabinet ministers. I have been here for 14 years. I have never asked a question in estimates where somebody actually gave me an answer. I am accustomed to the minister of the day saying, "I'll get right back to you with that." I have never seen one get back to me.

**Hon Mr Conway:** Mike, come to mine. I'll give you an answer.

**Mr Breaugh:** I may have missed my last chance to actually get an answer from somebody.

I have seen every kind of stall in the business pulled over a long period of time. I do not relish the end of the estimates process from a traditional point of view, but there has got to be a better way for us to spend our time than that. I think that some of the changes in here, if members use them, will not produce an efficient Parliament, because Parliament and efficiency really do not go together at all. This is a place to argue about things. This is a place to exchange opinions. We are not making General Motors Luminas here. This thing is not going to get a guarantee, it is not going to work perfectly and there is no dealer that you can take it back to to get it fixed. This is not about that. It is about ideas. It is about policies.

When we adopt these rules, as I hope we do this afternoon, we will have changed the process just a little bit. That is as good as it gets. Although many of us, myself included, are going to try to take some credit for some of this, the truth is that these rules come about because many members in many parliaments now have decided collectively, over a long, long period of time, that the process should change. If I have learned anything about life, it is simply that. Any human process which does not change is one which is wrong.

To keep the human endeavour alive requires that basic initiative: that you have to remember that yesterday's mistakes are the ones that you are not going to make today. You do not know what today's mistakes are. As long as you can keep making new mistakes, you are learning a little bit. That is what this is. It is an opportunity for all of us to do some things a little differently, to make some new mistakes, to learn from yesterday's mistakes and to learn that there may be a slightly better way to do things.

I was reminded this afternoon, as we had some yet ongoing discussions, that changing one more

amendment is yet to come. We have been talking about this thing for a decade now. I cannot tell the members how many times we have written and rewritten the standing orders of this House. I cannot tell them how many hours the clerks and the table officers have put into trying to draft the words, only to find out somebody did not like those words in the end.

We are changing them again this afternoon. I expect that by the time we actually get them implemented and running for a little while, we will be right back at it again saying: "We ought to do this. We ought to change this. This isn't really what we meant and we'll change it again." As long as we understand that that is an important part of our process, as long as we understand that we are not here just to feed among ourselves but we are here to serve the people in a strange way—I really hate it when people use that terminology in a noble sense. We are not noble people. We are not meant to be noble people. We are just ordinary grunts trying to do a job. That is all that a Parliament has ever been. A Parliament has never been and should never be an election of our smartest, because it is not that. If that was our guidestick, we would all be failures.

We should all remember that the first Parliament was held in a field by a bunch of folks who happened to be around that field and started to talk about things. As long as we understand that that is what a parliament is, we are on safe ground.

I commend this government motion and these changes to the standing orders because I think they are long overdue. I wish they had come earlier. I wish they had come under different circumstances. But I have been here long enough to know that when we can get it, we had better get it because it may not be there tomorrow. I commend all of these suggestions to the members. I hope that they accept them.

Finally, I hope that all members on all sides utilize the opportunities that are here in these new standing orders to make this just a little bit better place than it was when we came here, because that is what it is all about.

**Mr Sterling:** I guess it is with some satisfaction that we finally see the motion put forward today in the name of the government House leader, but which was really crafted by a number of people in this Legislative Assembly.

Perhaps one of the lessons that can be learned out of this long process is that one of the committees of this Legislature had a significant contribution to make towards this very significant change in our rules. That, of course, is the



standing committee on procedural affairs, as it was known in 1985. The name was later changed to the standing committee on the Legislative Assembly.

That committee has worked long and hard on looking at the various rules that we deal with. I think the basis of our proposals, as we developed them in the latter part of 1985, emanated out of the concern in the minority Parliament of 1985 to 1987 that the individual member be given a greater role and that the committees of our Legislature be also given a greater role in what happens in this place.

**1700**

I can remember in a hotel in Albany, New York, where basically the draft report for the standing committee on procedural affairs was drafted over a cup of coffee and a few other things.

**Mr Morin:** New York wine too.

**Mr Sterling:** The member for Carleton East was a part of that. I want to give him credit where credit is due in joining us for coffee.

I think that one of the things these changes in rules do is that while they change the formal structure of what our committees can or cannot do, it will be up to a majority government party to really make committees sing and do things. It will be up to the ministers of the governing party to allow the members of their party to stray from the party line from time to time in order to breathe life not only into the Parliament of Ontario but into the committees of Ontario.

I think other parliaments which we have referred to today, larger parliaments, have allowed their members to take stances from time to time in opposing perhaps what their party has stood for. I wish that when parties and governments look at the day-to-day operation of the committees, they will look at the matter that is in front of them and say there are three classifications of matters we deal with in the Parliament of Ontario and in the committees.

There are the major issues, which are decided by the Premier and his close associates in cabinet, and on those matters, the party has to stand together. On those major issues, in the opposition party and in the third party, members must stand together. Then there are what I would call medium and smaller issues. I hope, on those issues, that the government in particular will permit its backbenchers, or a few of its backbenchers, to express a different opinion from time to time.

That is tough to do, and I think it would take a lot of leadership on behalf of the Premier of a

province who had a majority of 94 members, because I know the media would attack initially and say, "This is a sign of weakness." But if in fact the backbencher in a governing party is to be involved in legislative change, there must be some freedom given in exchange.

I am not talking, as I mentioned before, about the major issues. I am talking about the medium and the low issues, like justice issues, where partisan politics do not get played with to a very great degree. It has been amazing to me in the two minority parliaments in which I have sat, from 1977 to 1981 and from 1985 to 1987, that when justice issues came before a legislative committee, ministers constantly yielded on amendments and the world did not cave in. That legislation has basically stood the test of time, and we have gone on.

Yet during this Parliament, for instance, and I am sure from 1981 to 1985 when my party had a majority government, we tended to say, "Go in there, boys, and when I nod, you raise your hands and we vote this way, no matter what the debate."

**Hon Mr Elston:** Oh, the reality of 19 March, as I recall it.

**Mr Sterling:** The realities of 19 March and the realities of 10 September, whatever they are, but it is unfortunate that we have not yet in this province had the leadership in the former government or in this government to allow our members to really participate.

While we are setting up and trying to strengthen the committee structure in these changes to the standing orders, I hope that we can have a change in attitude, by the governing party in particular but also by the leaders of the opposition parties, to allow individual members from time to time to take stands on noncontroversial issues and issues where members of the committee legitimately are trying to seek a compromise for a better law in Ontario.

These changes came very much not only from an effort of the standing committee on procedural affairs, now the standing committee on the Legislative Assembly, but also from a considerable effort by Mr Forsyth, who was at the table today. I thank him not only for his effort in drafting these orders today, but also for his past work over the last four or five years in particular, and I thank the other clerks, including Todd Decker, and such researchers as John Eichmanis, who is not with the Legislative Assembly at this time. I am sure there are others I have missed. Those individuals in particular have worked with the member for Oshawa (Mr Breaugh), the

member for Carleton East (Mr Morin), myself and other members of the Legislature in trying to reach various conclusions on the standing orders.

I hope these standing orders will bring a more rational life to members of the Legislative Assembly. Members will note from the calendar which we have produced today that a great part of our life over the year is taken up by time that we must spend either in session here in the Legislative Assembly or outside in committees of the Legislature.

In looking over the schedule, I know that over the next two months, after we adjourn hopefully in the not-too-distant future, I will be returning here in the second week of August and will be here until 10 October, save and except for two weeks during that period of time. I think it is important for us to indicate to people in our province the significant time we have to spend on committees during the times that we are absent from the actual Legislative Assembly.

We have talked about the June government motion 5, which was introduced by the government House leader. I do not agree with his interpretation of that being necessary. The member for Oshawa, the member for Middlesex (Mr Reyecraft) and I negotiated for over a year and a half and came up with a proposal on 12 April 1988. We waited over one year for that proposal to be answered by the government's side of the House. That answer came in the form of the 5 June government motion 5.

Basically it took all the good parts out for the government but did not offer in return anything for the opposition. I think that was the wrong way to approach it and believe that today this government motion is a great victory for the opposition parties as they stand up to that government motion 5. I am glad to see the government has yielded to the opposition parties' demand for a fair and proper deal in dealing with the Legislative Assembly and the rules that we are governed under.

These rules deal with many major changes to our structure. The estimates process is going to be revamped substantially. We will have opposition days in the Legislature. But there are some things we did not get. Some of the things we did not get in these amendments to the standing orders refer to individual power of the individual member.

I would have liked, for instance, that rule 71(1) of our standing orders be amended so that an individual member on private members' business could have sent his bill as an individual out to a committee for hearings. It has been the practice

of this government at this time to block such a request. I think that in terms of the freedom of an individual member, the limited amount of time and the limited amount of opportunity for him to present an individual idea in the form of legislation and have it referred out to committee should, as a matter of right, be to the individual member. Unfortunately, we were not able to negotiate that. The government will be able to continue to thwart private members from having their private members' bills sent out to a standing committee, even though they have been passed by this Legislature.

1710

I think that is a mistake. I think it is a very, very small price for a majority government to have to deal with in a standing committee in that it controls the numbers in a standing committee. It requires a little bit more organization for the government side to deal with a private members' bill which has been sent out to committee, but so be it; it has not been a major problem. It has been a minor problem for the government and I think they have overreacted to it in their manner.

In fairness to the government side, they have asked for other things and they have given other things, but this was one particular matter on which I thought I should speak because it deals with private members and does not deal with party positions as such.

As I mentioned, the participation in drafting these orders has been wide. There have been a lot of members who have given a significant contribution. There have been a large number of clerks and researchers involved in it. But in the end, as the member for Oshawa (Mr Breaugh) pointed out, it will depend on the goodwill of the people in this Legislative Assembly to try to put these into practice in a reasonable form which will allow the government to govern but will allow the opposition to do their duty of opposing in a reasonable manner.

We have urged the government over the past two years to move toward these reforms. We think it is late in coming, but we welcome it at this time.

**Mr Reyecraft:** As the government House leader indicated earlier, we want to move an amendment to government notice of motion 9. With the Speaker's permission, I would like to do that now.

**The Deputy Speaker:** Mr Reyecraft moves that paragraph 26 of government notice of motion 9 be amended by adding the following:

"Standing order 32(b) be amended by striking out "20" in the fourth line and substituting "12" therefor.



"Standing order 63 be amended by striking out "20" in the fifth line and substituting "12" therefor.

"Standing order 68(b) be amended by striking out "20" in the second line and substituting "12" therefor.

"Standing order 71(e)(ii) be amended by striking out "Twenty" in the first line and substituting "Twelve" therefor.

"Standing order 3(c) be deleted and the following substituted therefor: 3(c) The House may meet beyond the hours set out in clause (a) on the passage of a government motion for that purpose. The question on such a motion shall be put forthwith and without debate. However, the motion shall not be voted upon if 12 members stand in their places when the question is about to be put. If a recorded vote is requested by 5 members, the division bells shall be limited to 15 minutes."

**Mr Reycraft:** I want to indicate, as the House leader said earlier, that there was a misunderstanding, a misinterpretation about some of the changes that had been agreed upon. This amendment corrects that situation. There are a number of places within the standing orders where 20 members are required to do something or to prevent something from being done. In all of those cases, this reduces that number to 12. I should indicate that it does not affect the quorum of the Legislature which shall remain at 20. That quorum is established by the Constitution of Canada and therefore cannot be changed by this Legislature.

I would just briefly like to add my support to the package of amendments and to express my appreciation to members of the House who have been involved in negotiating this package, and also my appreciation to Smirle Forsyth and the other members of the table here who have also been involved in a lot of work. It is my pleasure to have been involved in the past couple of years in a process that has gone on for a much greater time than that.

The member for Carleton indicated that he felt this package of amendments was a victory for the opposition. I believe that these amendments represent a victory for the Parliament of Ontario and the people of Ontario. I think it will allow this Legislature to function more effectively and more efficiently, and that it will allow all members to participate in a more meaningful way in the process.

**Mr D. S. Cooke:** I want to congratulate the people who have been working on this for the last several years: the standing committee on the

Legislative Assembly, the member for Carleton, the member for Oshawa (Mr Breugh) and the member for Middlesex (Mr Reycraft). I think they have done a fine job. But I do think that the entire process has not been entirely acceptable and there must be some recollection of how this motion today came about.

After the last provincial election there was a report that we considered; there were negotiations that took place. Virtually all of the matters that are covered by today's government notice of motion were in the consensus document that was worked out by the member for Middlesex, the member for Oshawa and the member for Carleton. The difficulty we had at that point was not that the opposition was resisting change. In fact, the opposition was encouraging the amendment of these rules, but the Liberal government House leader took the package to the Liberal caucus and it was rejected.

On many occasions in the past couple of years the House leader for the Conservative Party and I would show up at House leaders' meetings on Thursday after Thursday and we would say to the government House leader: "When are we going to resurrect negotiations on changes to the standing orders? We recognize there needs to be reform. When are you going to start negotiations?" The government House leader would say, "Well, I do have a motion and the motion is to extend again the interim rules that we have."

There was no response and no effort at all from the government to change the rules. Somehow when members read the document that was filed with the press today, entitled *Government Proceeds with Rule Changes*, coming out from the government House leader's office and at the end it says "For further information, contact Sue Hanna." I assume that she wrote it.

**Hon Mr Conway:** I wrote it.

**Mr D. S. Cooke:** The government House leader wrote it. That disappoints me even more. This press release would lead one to believe that over the past couple of years it has been the government which has wanted rule changes and it has brought the opposition along kicking and screaming, and finally forced the rules to be brought into this decade.

Let me just read the first paragraph: "'The government intends to proceed today with rule changes to ensure the orderly and efficient conduct of the provincial Legislature,' government House leader Sean Conway said today.

"Last month I said the government would move to change the rules before the summer

recess,' Mr Conway said. 'I believe now is an appropriate time to proceed.'"

We feel that it would have been more appropriate to proceed on rule changes a couple of years ago when the negotiations had come to an end and we had a consensus document. But in those days the Liberal cabinet and the Liberal caucus said: "No, no; there are a couple of concessions there for the opposition, and we have come back fresh from the election where we got 94 members and there ain't going to be any changes to the standing orders that are going to give the opposition parties anything. We'll control the committee agenda, we'll control the government agenda in the House and we'll put the opposition parties in their place."

### 1720

Well, over the last couple of years we have demonstrated very clearly that we do have a role to play and we do have some options under the old rules that we did utilize. When the government wanted to bring in Sunday shopping and when it had said one thing during an election campaign on Sunday shopping and something else after the election, we decided as an opposition party, as did the Conservative Party, that we were going to use every rule that was at our disposal to stop that legislation and to hold the government accountable. That was our responsibility, that was our job and that is exactly what we did.

When the government brought in Bill 162, the amendments to the Workers' Compensation Act, we had the exact same point of view. When the government had problems with the then Solicitor General and it was refusing to send the matter to committee and was refusing to release a police report, we in the opposition felt that we had a responsibility to use the standing orders of this assembly to hold the government accountable.

The government House leader has referred all along to the actions that we have taken as being irresponsible. There would not have been those types of action, there would not be bell ringing, there would not have been petitions if the government itself had fulfilled its commitments in the last election and not tried to bring in legislation to facilitate Sunday shopping. If the then Solicitor General had done the honourable thing much more quickly, there would not have been problems. We were really backed into a corner, and that is why some of those tactics were used.

We are now happy that these rule changes are going to reform the system, but I should point out that to hear the government House leader a little

while ago indicate that the main reason for coming to the consensus document which is going to be passed today is because he tabled government notice of motion 5 and that forced the opposition parties to negotiate—that might be his recollection but that is certainly not what happened. When government notice of motion 5, unilateral changes to the rules, was introduced in a way that I will not repeat, because it was discussed on that particular day, the way that they were introduced to the press—which I still feel very angry about—they were unilateral changes that had never been proceeded with in that way.

I should remind the members in that original proposal by the government with no negotiations, it said, "Yes, we'll set up an estimates committee." I suggest the members take a look at the proposal under the original government notice of motion and today's and see that there really is now the estimates committee as we wanted it. They were going to set up an estimates committee and the estimates to be considered would be set by the majority on the committee. That would mean that every year the committee would have sat down and decided which estimates were going to be reviewed and the majority on the committee would decide. Well, the majority on the committee means that the Liberals would have decided which estimates were to be reviewed.

Now we have proper rules in this motion that say the opposition parties—the official opposition and then the Conservative Party—will be able to select, in rotation, the estimates they would like to deal with, and then the government party. That is not the proposal that was in the government notice of motion 5. I think it was silent on the matter because what it meant was that the majority in the committee would decide, which then would mean that the Liberals would decide which estimates they wanted to do and there would not be the accountability that the Provincial Auditor and others have talked about requiring if we were going to have a proper estimates committee.

Probably the most offensive rule change under the original government proposal was they were going to take the right to challenge the Speaker away but were going to reserve the right for the government to appoint the Speaker. I do not know what other democratic body in the western world would allow a chairman of its organization to be appointed by a majority and then not have the ability to challenge the rulings and decisions of that chairman. Now we have the appropriate



balance, just as we said that day when we rose on a point of order. Yes, we can agree that the Speaker should not be challenged but the balance to that obviously is that we have representation on the presiding team and that the Speaker be democratically elected. I think that is a major step forward.

I agree with the member for Carleton (Mr Sterling), who said a few moments ago that this is a victory for the opposition parties. This is the type of rule change that we have been advocating for two years now. I am happy not only that on a couple of the major political issues we were able to use the rules to hold the government accountable but that we also demonstrated by the use of the old, outdated rules that reform was needed in this place. In many respects we killed two birds with one stone.

**Mr Reycraft:** Careful, this will take you to turkeys.

**Mr D. S. Cooke:** Well, no, the member for Middlesex is not a bird.

We accomplished many things. We brought out some very weak political positions that the government has taken and we demonstrated to the government the wisdom of the position that the opposition parties took two years ago when we suggested these rule changes. It is better late than never, and our party is pleased to be part of the approving of these reforms today.

**Mr Harris:** I really do not want to rehash all the ground. A number of the members, clearly the member for Carleton, have put forward the points regarding the specifics of the rule changes. I have read the government House leader's press release which puts forth the points that he wanted to put forth. The New Democratic Party has put forth a number of changes from that point of view, so I do not want to rehash all the ground of what is in it and what is not. I think we are all, as parties, pretty well on the record.

I do want to very briefly do a couple of things; first, congratulate those who have spent a considerable amount of time in working on this rule package. During the scrum today I think it was Colin Vaughan who said to me: "Really, Mr Harris, does this mean anything for the public? Does the public care?"

The truth of the matter is, they care in a general sense how the place operates, how we as parliamentarians handle ourselves. They care when there seems to be a snafu and bells are ringing, but the truth of the matter is, no, they do not understand the technicalities of these rules. As long as they do not hear that things are in some kind of state of paralysis, they do not care.

It is complicated; it is difficult; it requires a great deal of study by learned people to go through these rules, and there are a number who have devoted a considerable amount of time. The member for Carleton has done the bulk of the time, the work, the effort and the detail on behalf of our party. We have had a number of others through the period, not the least of whom were the member for Durham East (Mr Cureatz) and the member for Markham (Mr Cousens). Mr Treleaven, the former member for Oxford on behalf of our party going back through that period in time, spend a considerable amount of time and effort on really trying to bring us into the 20th century, if you like, trying to bring us up to a modern age of how legislatures and parliaments work in Canada.

As members know, we have lagged behind, particularly over the last four years as the federal House and the other provincial houses have moved on to bring in changes. This particular Legislature has lagged behind, as we have in a number of other areas, and I hold this government accountable for not moving us ahead in a more timely fashion on these rule changes.

I want to congratulate, as well, the member for Oshawa, the member for Riverdale (Mr Reville) and the member for Windsor-Riverside (Mr D. S. Cooke) from the New Democratic Party, who, since I have been involved in the last few years, have worked hard, not only in the detail of this package but in trying to convince the government that it was time to get on with it; and of course the member for Middlesex and the member for Renfrew North, who have moved forward on the detail.

## 1730

I would suggest it did take the member for Renfrew North longer than we think was necessary to realize that we must move on the real changes, but we are there now and we have a package that I think brings us into the 20th century.

Let me also thank Mr Forsyth and the chair and others who have particularly given advice to us along the way, Mr McFedries, who I think has done some drafting as well, and the team of table officers who have been with us in this and pointed out some areas where, from their perspective, we could facilitate these rules. I wanted to mention those people and congratulate and thank them for the time and effort they put in.

Nobody in the public, and very few members, I think, will appreciate how complicated the nuances of these various rules are. It can be demonstrated in this way, that the existing

standing orders served us for a long time. It was a long time before bell-ringing started, I guess; in the Joe Clark days and then in the Sean Conway and David Peterson days here in Ontario. Over a period of time, rules that worked for generations and generations get looked at and scrutinized. Various idiosyncrasies in them become known and mechanisms to delay, if you like, or to stall proceedings or to get your way are developed. What was appropriate 20 years ago is then no longer appropriate today.

I mention that in two contexts. First, we think this set of rules we are putting forward—those of us who have been involved in it—will indeed facilitate the business of this House. It gives considerable opportunities to the opposition to order its own business in the committees and in the House. We have argued for this package of rule changes for the past couple of years. Many have said, “Yes, but you’re ringing bells over things.” If one thinks about those issues, had we had this package of rules, we would not have needed to ring bells.

The bell-ringing has evolved primarily when the government says: “No, you can’t look at that, you can’t study this. That will not be an order of business. We’re the majority. We don’t care what you want to do. You will not look at the Joan Smith affair. That’s none of your business. We’re going to make sure you can never look at it.”

This package of rule changes is such that when issues of importance to the opposition come along, issues on which the government may—for political reasons, obviously, and they may be sensitive—say, “No, we’re not going to give you any time to look at that or the power to look at it,” that cannot happen now with this package of rules. The bells would not need to have been rung. Indeed, we could have ordered business in that committee to deal with that matter.

It is important that the government understand what this rule package does from an opposition point of view and why we are willing to give up bell-ringing. We are willing to give up delay tactics, because, through the rule changes, we have a mechanism to make sure that a majority government—Liberal at this particular time, Conservative probably after 1991, and maybe some time the New Democratic Party; who knows?—will not be able to say, “No, that might be of concern to you, but we won’t let you look at it.” We think that is important.

Finally, I want to say this, that no set of rules in a parliamentary democracy, by itself, however good we think it will be, will last for ever. No set

of rules at any given point in time in a parliamentary democracy will be the complete answer. There will still need to be, and there must be, co-operation among all three parties to run the Legislature in a businesslike, democratic and forthright fashion.

I believe this package of rules will help facilitate that. I believe it will take away some of the irritations and some of the problems, because it has a balancing of powers in it. It takes some away from the opposition on a delay side and it takes some away from the government on a covering-up side, if you like, in the ordering of the business side. I think it will help, but it will still require the co-operation of the House leaders, the whips and indeed of all members of all parties.

I really hope it may reflect as well on the decorum of the Legislature. I hope it will facilitate a new spirit of co-operation. I hope it will facilitate a new spirit of decorum in this chamber so we can present to the public a more acceptable and businesslike operation of this particular chamber.

We are obviously in support of this package. We wish it had come a little sooner. We think we may have avoided some problems along the way had it been there, and we look forward with enthusiasm and optimism to making these new rules work in the future.

**Mr Reville:** I want to participate briefly in what I think is a momentous debate. The reason I think it is momentous is that while the member for Oshawa was speaking, I heard the heavens open, and a bolt of lightning came down very close to the chamber. As the thunder died away, I paid particular attention to the member for Oshawa explaining to us how it is.

I think this is a time when congratulations should be shared with a light heart to all those members of the Legislature who made these rule changes happen. There are a number and, of course, they have been referred to by other speakers. I think primarily of the member for Oshawa, who has had these rules on his mind for a decade, and the member for Carleton (Mr Sterling) who has, perhaps, for almost as long. The member for Middlesex, a conciliatory sort of chap, who came in in the last couple of years, may have been the person who really made it happen today.

I do not know whether anybody listens to David Bromberg, who plays a mandolin and a very good electric guitar. He has a song that goes, “When I woke up this morning, I must have had somebody else’s blues.” When I woke up



this morning and I saw this press release from the government House leader, I really did believe I had someone else's blues, because this is not the way I remembered the thing happening. Of course, there was that momentary bit of grumpiness with government notice of motion 5, which basically I felt somewhere in my nose, but after we indicated to the government that we thought that was not a cheerful way to proceed, the government was very gracious and very conciliatory and quite interested in negotiating.

In fact, we have our negotiators, and now this House negotiated a package that is awfully similar to those consensus packages that were negotiated on at least two other occasions in recent history. Of course, the events of today, when even at the almost 11th hour some further amendments were negotiated, indicate the way in which members of this Legislature are able to work when they put their minds to it.

#### 1740

I tried to imagine what would possess the government House leader to write such a press release today, and the only thing I could come up with—I am a very inventive chap, as you may know, and I have had the opportunity to travel to Renfrew North; it is a beautiful part of the country and I love Renfrew North—is that there is a mountain, on top of which is perched the first Polish settlement in Ontario, perhaps in Canada, called Wilno. If you are lucky enough to get your car to the top of this mountain, you can pause there at the lookout just near the church where the member for Renfrew North (Mr Conway) often goes to have a chicken supper. If you look out over the hills and the forests, you actually do feel that you are Moses. Clearly, the member for Renfrew North has paused on that mountain too many times and he has said: "Now, God, get down here. I have got some rules that I am going to impose upon this Legislature."

I forgive him, because in fact it is a breathtaking site and it does perhaps make people feel as though they are not ordinary mortals. Having listened today to the member for Wilno, I know he may have these moments when he feels sort of beatific and he has other kinds of moments as well. He has had to eat a rather large crow and it is probably inappropriate for anybody to point it out or watch him eat it and just be sort of content with the fact that it has been eaten.

Ten years of work are concluded today. I am happy for it, and I want to congratulate those members who made this happen. I urge all members to vote for it with a happy heart.

**The Deputy Speaker:** Do any other members wish to participate? If not, would Moses conclude?

**Hon Mr Conway:** I want to thank all honourable members for the colour, character and generosity of their remarks. I want to simply conclude by picking up one point that I think the member for Riverdale touched on or someone else, perhaps the member for Oshawa, earlier on this afternoon in the debate. This has to do with the calendar as it relates to the fall sitting for 1989.

Later this day or later this week, I will be introducing a motion, as I am required to under the standing orders, indicating that, once it is adjourned this summer, the House will be recalled Tuesday 10 October 1989, with the sanctions of the calendar in place. The fall sitting will be from Tuesday 10 October through Thursday 21 December 1989. There will be no constituency week in the fall of 1989, because we will be adjourning many weeks after we would normally adjourn under the calendar in the summer. Just so that everyone is clear.

There will be other aspects of implementation that our group is going to want to talk about over the course of the next few weeks, and we are going to be preparing to do that because, as I think we have all agreed, we want this to be effective for the fall sitting. The earlier order extended the provisionals to midnight 9 October; these orders, when passed today, will be effective on midnight 9 October as well. So the calendar will be in effect for the fall of this year, though we will not be coming back on the fourth Monday in September but rather on Tuesday 10 October. We will sit through until Thursday 21 December and there will be no constituency week in November of this year. I just wanted to be clear on that point.

My friend the member for Middlesex has moved an amendment that I believe addresses a concern that members have identified. Again, I really want to thank everybody for the good work and for the generosity of spirit that we have seen here this afternoon.

**The Speaker:** Mr Conway has moved government notice of motion 9. In turn, Mr Reycraft has moved an amendment to Mr Conway's motion. Therefore, we will deal with Mr Reycraft's amendment to the motion.

Motion agreed to.

**The Speaker:** We will now deal with Mr Conway's amended motion.

Motion agreed to.

## MEMBER FOR MISSISSAUGA WEST

**Mr B. Rae:** On a point of order, Mr Speaker: I wonder if I might be permitted, by the grace of the House and, if I might add, in the spirit of reconciliation which seems to pervade this place today, to make a statement.

Agreed to.

**Mr B. Rae:** On 11 July 1989, I asked a question of the Premier (Mr Peterson) in the House and issued a news release entitled "Mr Mahoney, Mr Muzzo and Envacc."

There are factual errors contained in that news release which I want to correct. The news release indicated that the purchase of the home owned by the honourable member for Mississauga West, who is in the House today, and Mrs Mahoney was financed by two mortgages given to Mrs Mahoney by Elyrin Holdings Ltd.

The registry office documents show that the first mortgage in the amount of \$80,000 was held by the Toronto-Dominion Bank and not by Elyrin Holdings. What was discharged in November 1984 was not this first mortgage but a vendor's lien.

The second mortgage for \$35,000 was a vendor-takeback mortgage, which was available to other purchasers in the subdivision. While it was registered as officially discharged on 15 February 1988, as stated in the release, this mortgage was discharged as part of a refinancing with the Royal Bank in January 1988.

If these errors have led to the implication that the honourable member received any benefit or committed any illegality with respect to these mortgages, I apologize to the honourable member, Mrs Mahoney and their family for any embarrassment this may have caused.

**Mr Mahoney:** On the same point, Mr Speaker: I would just like to indulge the House to accept the apology offered by the honourable Leader of the Opposition and to just briefly state that I sincerely hope that no member or his family will have to go through the two weeks that we have endured. I will be instructing my lawyers to cease the action against the honourable member.

House in committee of the whole.

## GASOLINE TAX AMENDMENT ACT, 1989

Consideration of Bill 24, An Act to amend the Gasoline Tax Act.

**The Deputy Chairman:** Members will recall that when we last dealt with this bill, we had concluded the discussion and acceptance of all amendments to the bill and we were awaiting the

response of the minister to an opposition question.

**Hon Mr Grandmaitre:** We did have two outstanding questions that were asked by the member for Nipissing (Mr Harris).

The first question concerned the indemnification for damages on the detention of vehicles at the border compounds. I am pleased to say that the legal advisers of the ministry have informed me that the courts will limit the scope of subsection 16a(4) so that the crown is protected only where due care and attention are exercised by its service.

The intent of the provision is simply to prevent frivolous claims, for example, in respect of evaporation of cargo when a tanker truck is detained or in respect of any decrease in price of cargo which might occur during detention. In this respect, the provision is identical to that in Bill 21.

## 1750

**Mr Harris:** Very briefly on that particular point: I accept the minister's explanation. I would add this caution, that the regulations and the directions that go out to the inspectors, the interpretation we have heard today, in reflection indeed be the one that goes out. My concern, and I think I had indicated it the other day when we dealt with it, was that even though the legislation, if one read it, sounded like the province would be limited on liability, the quick answer I was able to get from the lawyer who advised me—who, I might divulge now, is a member of the Liberal Party, the member for Durham Centre (Mr Furlong)—was, "Look, even though that is what the minister is saying in the bill, in fact no court will allow that to take precedence over common justice," and that in fact the province would be liable if it was negligent in looking after somebody's impounded or confiscated property at that particular site.

So I do not think the wording is the best. However, the government seems intent that this is the wording it wants to proceed with. I am glad to have the minister's explanation and would ask that the ministry, when it is developing the regulations, make sure that is the understanding, both from the civil service point of view and from those who must comply with the legislation, from their point of view as well.

**Ms Bryden:** I am glad the minister did have a response to the House leader for the PC party and his unanswered question, which was why why the bill was not reported from the earlier meeting of the committee of the whole.



I would like to mention that there was another question, asked by my colleague the member for Hamilton Mountain (Mr Charlton), which the minister was not able to answer. I do not know whether, since the earlier meeting on 13 July, he has been able to find an answer to that question. The question was: What was the *raison d'être* for removing the tax exemption from propane fuel and leaving it on the other alternative fuels—ethanol, methanol and natural gas?

Perhaps the minister could supply us with any further thinking on that question, because I think curiosity was raised when he said he did not know the answer. I understand the Minister of Natural Resources (Mr Kerrio) has said: "Isn't that what all taxes are: an arbitrary decision to pay for hospitals and everything?" I do not know whether the minister agrees with that.

**Hon Mr Grandmaitre:** I thought that question came from the member for Nipissing, but I will give credit 50 per cent to the member for Nipissing and 50 per cent to the member for Hamilton Mountain: This is how we feel today. "Why tax propane?" was the question from the member for Nipissing. My most simple and most honest response to that question is that propane has become an established fuel in this province and, let's face it, most taxi operators or larger fleets do use propane. These people who do drive these vehicles do cause congestion, and as my friend the Treasurer (Mr R. F. Nixon) has said, users will pay for roads, for water, for sewers and so on. So my answer is a very simple one: 60,000 vehicles are using propane gas in this province and they have to share the cost of our infrastructure.

**Ms Bryden:** I thank the minister for that explanation. We in the New Democratic Party have no further comment on the minister's proposed amendments, though we agree that copies of them perhaps should have been circulated to the opposition parties at an earlier date than they were.

I was not able to be present during the debate on the amendments—I am not going to go into discussion of all of them right now—but I would like to say that Bill 24, the Gasoline Tax Amendment Act, is one of four tax bills brought in this year to implement budget increases and changes. The New Democrats voted against all four on second reading, because we feel they are all regressive taxes. They move the province further away from a fair tax system, because they are not based on ability to pay. In my opinion this is completely inconsistent with a small-l liberal

philosophy. I am explaining with that why we will be voting against this bill on third reading.

**Mr Harris:** I again will be brief, but I want to say that the minister's explanation is the explanation he wants to give and it is the government line. The Treasurer said, "Try this on for size," so that is what he has delivered to us.

I believe the real motivation is that there are substantial dollars we could go out to grab. The minister says, "The user pays," yet there are a substantial number of vehicles using natural gas, ethanol or the other fuels mentioned by both myself and the member for Hamilton Mountain, where apparently the minister is prepared to say, "You're using, but you don't have to pay."

I think the Treasurer said: "Look, there are getting to be quite a few of these propane vehicles, even though they are more environmentally sensitive and even though they are easing the use of carbon fuels. There are 60,000 of them now. Let's go there and grab a substantial amount of money."

It is starting to look like driving an environmentally sensitive car is a sin tax. On the one hand the government encourages them to get away from hydrocarbon fuels for the sake of the environment; then as soon as that happens, the government comes along and whacks on the tax. That is the real reason, and of course we will be opposing that.

This is my last comment; providing the minister does not provoke me, I will not rise on my feet again on this particular bill. I had made some comments during our last deliberations on this about the tardiness of the amendments. Since both of the officials of the ministry are here and no doubt prepared the amendments, I would like to say that I discovered they were circulated to the office of the Revenue critic's office of my party some days before.

**Hon Mr Grandmaitre:** Two weeks.

**Mr Harris:** "Two weeks," the minister says, so I say to the minister, the minister's staff and the ministry that I was in error. The amendments did not reach me. They would appreciate that we did not anticipate the government's inability to run the House in such a way that we still would be here in July, and some of our critics had the odd day off. That is the reason I had not seen the amendments, and the critic for the New Democratic Party was unavailable that day as well.

In the spirit of co-operation, I and the member for Hamilton Mountain agreed by saying, "Let's facilitate this and carry on without our critics." The members can see how that may have happened. I want to acknowledge that the

amendments indeed were ready. It was only our spirit of co-operation in helping the government out in the absence of our critics that caused our problem of not seeing the amendments.

**Hon Mr Grandmaitre:** I can only say that I am blessed with the best critics in this House.

Bill 24, as amended, ordered to be reported.

JUSTICES OF THE PEACE ACT, 1989  
(continued)

LOI DE 1989 SUR LES JUGES DE PAIX  
(suite)

Consideration of Bill 93, An Act to revise the Justices of the Peace Act.

Étude du projet de loi 93, Loi portant révision de la Loi sur les juges de paix.

**The Deputy Chairman:** When last we met on this bill, we had concluded section 16. The next amendment is to section 17.

Section/article 17:

**Mr Sterling:** Rather than put the motion forward now, we might as well put it tomorrow and adjourn debate in this committee.

On motion by Mr Conway, the committee of the whole House reported progress on one bill and one bill with certain amendments.

À la suite d'une motion présentée par M. Conway, l'étude du projet de loi en comité plénier de la Chambre est ajournée.

The House adjourned at 1802.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### CONSULTANTS' REPORTS

**23. Mr Jackson:** Would the Minister of Education provide a list of the consultants' reports commissioned by the Ministry of Education in 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** The following is a list of consultants' reports commissioned by the Ministry of Education in 1988-89:

Consultant	Project name
MacKinnon, Stephen	Report—software evaluation
Beckwith, Gayle	Report—software evaluation
Freiburger, Stephen	Report—software evaluation
Collard, Cynthia	Report—software evaluation
Carrol, Mary	Report—software evaluation
MacWalters, David	Report—software evaluation
Byte Craft	Report—software evaluation
Byte Craft	Report—educational software evaluation
Byte Craft	Report—software evaluation
Byte Craft	Report—software evaluation
Byte Craft	Report—software evaluation
Byte Craft	Report—educational software evaluation
Byte Craft	Report—educational software evaluation
Byte Craft	Report—educational software evaluation
Park, Vandal and Associates	Report—child care consultation program
Langlois, André	Report—university directional plan
Mayrand, Robert	Report—college directional plan
Langlois, André	Report—preschool level directional plan
Sears, Allison	Report—family violence literature review
Smith, Michael D.	Report—school board student services re family violence
Lee Consultants	Report—review of curriculum development/production
William M. Mercer Ltd	Report—pension consultation strategy
O'Meara, John	Report—native languages guidelines
Consulting Dimensions Inc	Report—problem definition and resolution—CHRIS
Consulting Dimensions Inc	Report—human resources information system plan
Neucom Management	Report—feasibility study
Les Entreprises Marc Giroux	Report—information technology use in French schools
York University	Report—perspective on teacher supply and demand
OISE	Report—dropouts in French-language schools
Masemann and Mock	Report—race/ethnocultural equity in education
Toronto Board of Education	Report—child care programs literature review
Samuda, Ronald J.	Report—assessment and placement of minority students
Traub, Dr R.	Report—strategies for provincial review
Beak Consultants Ltd	Report—lead testing of school drinking water
Coopers and Lybrand	Report—strategic plan for SBSU and ECNO
Swai Group	Report—IPPS systems analysis
Bassett Laudi Partners	Report—data administrator recruitment recommendation
Vertical Information	Report—information resource management—SBSU/ECNO.

**24. Mr Jackson:** Would the Minister of Education state the purpose of each consultant's report commissioned by his ministry in 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** The following list provides the purpose of each consultant's report commissioned by this ministry.

<b>Consultant</b>	<b>Project name</b>
MacKinnon, Stephen	To evaluate micro news educational software
Beckwith, Gayle	To evaluate micro news educational software
Freiburger, Stephen	To evaluate micro news educational software
Collard, Cynthia	To evaluate micro news educational software
Carrol, Mary	To evaluate micro news educational software
MacWalters, David	To evaluate micro news educational software
Byte Craft	To evaluate microcomputer system developed by IBM Canada for conformity to GEMS system
Byte Craft	To evaluate microcomputer system developed by Intertan Canada Ltd for conformity to GEMS system
Byte Craft	To evaluate microcomputer system developed by Watcom for consideration as grant-eligible
Byte Craft	To evaluate microcomputer system developed by Atari for conformity to GEMS system
Byte Craft	To evaluate microcomputer system developed by Watcom Inc for conformity to UNISYS system
Byte Craft	To evaluate microcomputer system developed by IBM Canada for consideration as grant-eligible
Byte Craft	To evaluate microcomputer system developed by Apple Canada for conformity to GEMS system
Byte Craft	To evaluate microcomputer system for consideration as grant-eligible
Park, Vandal and Associates	Provide basis for information sharing between school boards, MOE and Comsoc re school-based child care
Langlois, André	To assist with the completion of the university directional plan
Mayrand, Robert	To assist with the completion of the college directional plan
Langlois, André	To assist with the completion of the preschool directional plan
Sears, Allison	To produce a listing of resources concerning family violence
Smith, Michael D.	To survey and analyse school board student services with respect to family violence
Lee Consultants	To provide assistance to the project work team reviewing the curriculum development process
William M. Mercer Ltd	To help identify a number of alternatives re pension consultation strategy
O'Meara, John	To provide a series of recommendations concerning native language education
Consulting Dimensions Inc	To provide definition and resolution of organizational/staffing issues related to CHRIS information system
Consulting Dimensions Inc	Development of a plan for the human resources branch of the ministry
Neucom Management	To review automated system design and complete a feasibility study
Les Entreprises Marc Giroux	To assess use of information-related technologies in French-language schools
York University	To research teacher supply and demand
OISE	To assess probability of dropouts in French-language schools
Masemann and Mock	To survey race/ethnocultural equity policy development and implementation in education
Toronto Board of Education	To review literature related to child care programs
Samuda, Ronald J.	To review assessment and placement of minority students on behalf of educators
Traub, Dr R.	To report on alternatives to current method of provincial assessment
Beak Consultants Ltd	Report on lead content of all elementary schools and selected high schools in Ontario



**Consultant**

Coopers and Lybrand  
Swail Group  
Bassett Laudi Partners  
Vertical Information

**Project name**

To establish business planning process for SBSU and ECNO  
To conduct in-depth performance analysis of IPPS system  
To assist in the recruitment of a data administrator  
Development of an ECNO business model

**25. Mr Jackson:** Would the Minister of Education state the current status of each of the consultant's reports commissioned by his ministry in 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** The following indicate the status of each of the consultant's reports commissioned by this ministry in 1988-89.

**Consultant****Status**

MacKinnon, Stephen	Closed
Beckwith, Gayle	Closed
Freiburger, Stephen	Closed
Collard, Cynthia	Closed
Carrol, Mary	Closed
MacWalters, David	Closed
Byte Craft	Open
Byte Craft	Open
Byte Craft	Open
Byte Craft	Open
Byte Craft	Open
Byte Craft	Open
Byte Craft	Closed
Byte Craft	Open
Park, Vandal and Associates	Closed
Langlois, André	Closed
Mayrand, Robert	Closed
Langlois, André	Closed
Sears, Allison	Open
Smith, Michael D.	Open
Lee Consultants	Closed
William M. Mercer Ltd	Open
O'Meara, John	Open
Consulting Dimensions Inc	Open
Consulting Dimensions Inc	Closed
Neucom Management	Closed
Les Entreprises Marc Giroux	Open
York University	Closed
OISE	Open
Masemann and Mock	Open
Toronto Board of Education	Open
Samuda, Ronald J.	Closed
Traub, Dr R.	Closed
Beak Consultants Ltd	Open
Coopers and Lybrand	Closed
Swail Group	Open
Bassett Laudi Partners	Closed
Vertical Information	Open

**INTERIM ANSWERS**

**264 and 268. Mrs Marland-Hon Mr Bradley:** The information requested cannot be compiled within the normal two-week period allowed for reply. A final answer will be available on or about 5 September 1989.

**273. Mr Runciman-Hon Mr Wrye:** A final answer to this question cannot be made in the time required. A final response will be available on or about 15 August 1989.

**274. Mr Runciman-Hon Mr Wrye:** A final answer to this question cannot be made in the time required. A final response will be available on or about 15 August 1989.

**293. Mr Sterling-Hon Mr Patten:** The Ministry of Government Services requires additional time to provide the information required by the question. The answer should be available on or about 10 November 1989.

**RESPONSES TO PETITIONS****TEACHERS' SUPERANNUATION**

Sessional paper P-2, re Teachers' Superannuation Act.

**Hon Mr Ward:** The issue of providing a pension based on a "best five" years' service to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan.

Studies have shown that a "best five" recalculation would have considerable cost implications for the teachers' pension funds. Studies have also indicated that such a measure would not provide significant improvements for those who retired prior to 1976 and did not benefit from improved salary conditions and inflation protection.

In 1985 this issue was referred to the Public Sector Pensions Advisory Board, which reviewed the matter and recommended against such a change. Following these recommendations, the government decided that the most effective use of limited resources would be to augment low pensions with an ad hoc increase for teachers who retired prior to 1976. This improvement was implemented in 1987 and has been paid for entirely by the government.

## WORKERS' COMPENSATION

Sessional paper P-7, re workers' compensation.

**Hon Mr Sorbara:** Bill 162, An Act to amend the Workers' Compensation Act, 1989, together with the amendments to the bill proposed by the Minister of Labour on 25 May 1989, will result in significant improvements in the Ontario workers' compensation system.

Bill 162 and the government of Ontario's proposed amendments have been designed to deal with two of the system's most vexing problems: first, that it does not respond as fairly as it should to the economic needs of permanently injured workers; and second, that it does not respond as effectively as it should to their rehabilitation needs.

The bill provides for a new dual award approach to compensating injured workers for the impact of a permanent disability resulting from a workplace accident. The legislation proposes to compensate injured workers for the economic loss they experience as a result of a workplace injury and it also explicitly recognizes, for the first time, the non-economic losses associated with permanent injuries.

The non-economic loss award component of this dual award system will continue for the worker's life if taken as a pension rather than a lump sum payment.

The earnings loss award will continue until the worker reaches the age of 65, at which point it will be replaced by a retirement pension. This pension is based on 10 per cent of the value of the earnings loss award.

The two-track approach to workers' compensation proposed in Bill 162 will bring fairness and certainty to the system.

This system will award benefits based on the injured worker's lost earning capacity, which is a significant step forward and away from the old system which awarded benefits based on the degree of impairment. This new approach to tying compensation much more closely to economic losses will mean that compensation benefits accurately reflect the real impact of the injury.

In addition, the bill makes provision for supplementary benefits for those current recipients of permanent disability awards who are not being compensated adequately.

The importance of vocational rehabilitation and early intervention is explicitly recognized by Bill 162. Therefore, the bill contains vocational rehabilitation provisions with very clear time lines written into the legislation. For example, Bill 162 requires the WCB to contact a worker who has not returned to work within 45 days of the accident in order to identify the worker's need for vocational rehabilitation services.

The WCB is also required under Bill 162 to provide an injured worker with a vocational rehabilitation assessment if he/she has not returned to work within six months of the accident. The Minister of Labour has proposed an amendment which would further require the WCB to determine within 30 days of receiving the assessment results whether or not a vocational rehabilitation program is needed by the injured worker.

The government of Ontario has further proposed that the bill be amended to clearly indicate that any injured worker who is or has been in receipt of temporary benefits is eligible for vocational rehabilitation services.

In order to facilitate the reintegration of an injured worker back into the workforce, Bill 162 places an obligation upon employers to reinstate injured workers into their pre-accident jobs or one which is comparable.

Furthermore, the proposed amendments incorporate a similar duty upon employers to accommodate an injured worker as is set out in the Ontario Human Rights Code. This new duty will require employers to modify the work or the workplace in order to accommodate the worker so long as it does not place an undue hardship on the employer.

Additional amendments proposed by the government would allow decisions relating to non-economic loss and reinstatement to be appealed to WCAT. The government has also suggested that Bill 162 be amended to remove the limit on the number of reviews a worker may request concerning earnings loss.

Bill 162 sets out the regulatory powers of WCB in a number of areas.

The regulations established under the Workers' Compensation Act are proposed by the WCB for consideration and approval by cabinet. These regulations must flow from the intent of the act and can in no way be used to undermine the principles and objectives of this legislation.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillio L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)

**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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No. 48

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**

Wednesday 26 July 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

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Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 26 July 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### WELFARE OVERPAYMENTS

**Mr Allen:** Eleanor Gagnon of Midland is being subjected to undue hardship by the Ministry of Community and Social Services, which is insisting that she repay \$2,640 in overpayments made on her welfare cheques between 1974 and 1986.

Ms Gagnon is 57 years of age, currently has a part-time seasonal job and has no real assets save for a \$300 1979 Pinto car. Throughout the time she was on welfare, she declared all her income and lived by the rules. The overpayments were a ministry error of proportions a recipient could hardly be expected to detect. At present, she cannot meet even a \$20 monthly payment, and if she could, it would take her 10 years to repay.

In January, the Federal Court of Canada ruled that the Manitoba government could not deduct repayments from welfare cheques because that constituted undue hardship. Surely it is equally illegitimate to require repayment from the working poor whose income may be no better than welfare. The minister has insisted that the Canada assistance plan requires that he go after such overpayments, but the plan requires simply that such cases must be judged, taking into account the budgetary requirements of the person in need.

Clearly, it is the minister's choice to pursue Ms Gagnon. When I asked the minister about the Manitoba case in February, he said the ministry was reviewing its practices. Does the Gagnon case tell us that they have decided to extract payments regardless of undue hardship?

## LEGISLATIVE SESSION

**Mr Harris:** There are two major areas where we have progressed in this sitting of the Legislature which will have a long-term impact in Ontario.

First, major changes to the standing orders of the assembly have been achieved. The government has dragged its heels for three years in this

area. We are now looking at the election of a Speaker among other significant changes.

The resignation of Raj Anand showed that at least one person was prepared to act to preserve the integrity of the system. For that he is respected.

The resignation of the member for London South (Mrs E. J. Smith) showed that the traditions of this assembly are stronger than the self-serving dictates of an arrogant majority government.

The Patti Starr affair: While this shameful episode is far from over, we can all take pride in the actions of institutions that have acted so ably to protect the rights of the public: the Ontario Provincial Police, the municipal police, the public trustee, the Conflict of Interest Commissioner, the Commission on Election Finances, the crown prosecutor and soon a judicial inquiry. I know they will serve us well and perhaps even reveal the true nature of the relationship that exists between this Liberal administration and certain developers.

Even the crisis in health care, including waiting lists and unforgivable delays, may serve to help us all in the end, because it serves as proof that government cannot continue to bungle, neglect planning and ignore the needs of people.

Respect, credibility, integrity, planning, confidence in our institutions and government: these are the values threatened in the last session and the issues our party will take to the people this summer while the Premier (Mr Peterson) picnics with Liberals.

## ENVIRONMENTAL PROTECTION

**Mr Velshi:** I would like to take this opportunity to discuss the state of environmental awareness and some initiatives within the Don Mills community.

Earlier this summer, I had the opportunity to participate in a cleanup operation by the Crescent Town public school. Staff, students and community members managed to recover approximately 40 bags of garbage, one disassembled car and a number of beds and shopping carts from a single 400-metre stretch of Taylor Creek Park in East York.



Just last week I had the opportunity of participating in the kickoff of the Environmental Youth Corps with the Minister of Skills Development (Mr Curling), the Minister of the Environment (Mr Bradley), the Minister of Natural Resources (Mr Kerrio), my colleague the member for York East (Ms Hart) and, of course, the Premier (Mr Peterson).

I am very pleased with the state of awareness that has been reached when dealing with environmental affairs. This is reflected in the public support of the initiatives of the Minister of the Environment pertaining to the reduction of ozone-depleting substances, the reduction of emissions-causing acid rain, the blue box program and his support of environmental cleanups at the community level.

I am proud of this government's effort to improve our environment. In keeping with this commitment, I would like to let the House know that I will be returning to Taylor Creek on 20 August to continue the beautification process of parks and watersheds within the Don Mills community. It is my hope that all members of this House recognize not only the need for a large, across-the-board policy of pollution abatement but also the equally important need for grass-roots cleanup efforts.

#### ELECTRICITY DEMAND AND SUPPLY

**Mr Charlton:** Yesterday, in responding to the member for York South (Mr B. Rae), the Minister of Energy (Mr Wong) chose to quote from a press release dated 21 July by the Independent Power Producers' Society of Ontario and he chose to deal with a quote which applauded the ministry for the content of his policy on parallel generation in Ontario. Unfortunately, the minister failed to read all of the press release by the independent power producers, and I thought it might be useful if we heard some of the remainder of that press release.

"There is still some concern," said Jeff Passmore, chairman of the Conservation/Renewable Energy Industry Council, 'that the review of avoided cost will be entangled in the process of public discussion on Hydro's preferred generation plan. It would seem apparent that the technical analysis of avoided cost must precede the policy decisions relating to the plan, thus giving the government the evidence needed to make decisions on the options.'

"The independent power producers have said that a reference to the Ontario Energy Board is the only realistic alternative."

Perhaps the Minister of Energy should come clean and respond to the question which was raised by the Leader of the Opposition yesterday and tell the people of Ontario why the review of avoided cost and other matters is being delayed until after the tabling of Hydro's preferred energy generation plan.

#### GOVERNMENT'S RECORD

**Mr McCague:** My colleague the member for Nipissing (Mr Harris) brought to the members' attention some of the highlights of the last session. I want to bring to the attention of the Legislature some of the things that were not done by the government.

During the 1987 election campaign the Liberals promised to provide 4,000 chronic and acute care hospital beds. We know now that they reneged on that. They also promised province-wide integrated homemaker services, which they have completely failed to do.

Do the members remember the promise for 102,000 affordable rental units by 1989? Another failure. Their promise to decrease the cost of new homes is a joke, not to mention their ridiculous proposal for education lot levies.

What about the specific plan to reduce automobile insurance rates? They have completely copped out on this one. Now they are working on a plan just to stabilize the marketplace.

#### 1340

The Liberals promised to bring integrity to the environmental assessment process. So far, they have exempted over 100 projects from the Environmental Assessment Act, including St Lawrence Square, and they intend to exempt at least five more under the terms of the greater Toronto area garbage plan.

We have heard nothing about their plans for the Rouge Valley. They will not move the radioactive soil from McClure Crescent. They have alienated municipalities and farmers with their unilateral moves to shift taxes and cut programs.

I could go on and on, but I am running out of time. There are dozens more broken promises. The people of Ontario have long memories, and we will continue to remind the government of its addiction to making wild promises it cannot fulfil.

#### RENAL DIALYSIS

**Mr Faubert:** Members in this House should all be aware that each year about 60 in every one million Canadians experience end-stage renal

failure and require renal dialysis to stay alive. In layman's terms, this procedure purifies the patient's blood when his kidneys have failed.

I applaud the Minister of Health (Mrs Caplan) on her announcement last June to expand treatment facilities under a \$23-million program as part of the action plan for specialty care. Under this plan, 75 new dialysis treatment stations were established across the province and an additional \$300,000 was allocated to the multiple organ retrieval and exchange, bringing the total annual funding for the MORE program to \$1.3 million.

Renal failure can be a very debilitating illness and travel for those who suffer this affliction is both painful and stressful.

Scarborough is a city of half a million people with a great need for a local dialysis station. Much of the expansion in renal dialysis facilities within Metropolitan Toronto has concentrated in the teaching hospitals of the downtown core. While this has historically been the trend due to the highly technological nature of this service, I would urge that the continued expansion of such facilities in the Metropolitan Toronto region be looked at in terms of rationalization of the service within the Metro area.

In this context, the Scarborough General Hospital, a location agreed to by the Scarborough hospitals' co-ordinating committee, could then be made eligible to receive a renal dialysis station. Thus, residents of Scarborough suffering from renal failure would not be required to travel downtown and could receive this essential service closer to home.

#### GOVERNMENT'S RECORD

**Mr Laughren:** This government deserves a failing mark for its failure to improve the road system in northern Ontario. Not only have they not done any four-laning, which many of their candidates promised that their government would do if only they would get elected in the 1987 election, but I spent a week in the northern part of my own constituency and in many cases the forest roads are in better condition than the public roads that are supposed to be maintained by this government.

#### STATEMENTS BY THE MINISTRY

##### FLOODING

**Hon Mr Eakins:** As the members of the Legislature know, I had the opportunity on Monday, along with my colleague the member for Essex South (Mr Mancini), to see at first hand the devastation caused by last week's rainstorm in Essex county.

The damage is severe. Even though it may not look as bad now as it did last week, a great many residents of this area face considerable hardship. Cabinet therefore agreed today to declare the southern half of Essex county a disaster area for the purposes of the Ontario disaster relief assistance program.

Under the program, the county will establish a local disaster relief committee. This committee will co-ordinate all fund-raising activities related to the disaster. It will also work within the guidelines of the program to appraise losses and to settle claims.

Ordinarily, the Ministry of Municipal Affairs matches funds raised locally on a dollar-for-dollar basis, but because of the magnitude of the disaster in Essex county, cabinet has agreed to make available up to three dollars for every one dollar raised locally.

The disaster relief fund, including donations and the provincial contribution, will be used to help claimants cover the cost of uninsured essential goods damaged or destroyed by the flood. Essential goods would include principal residences, farm buildings and principal business enterprise buildings. They would also include essential furnishings, such as refrigerators, furnaces, stoves and tools or other items essential to the claimant's livelihood, including farm machinery and equipment.

Staff of my ministry will immediately begin helping the county of Essex set up its disaster relief committee.

I must point out that the Ontario disaster relief assistance program is not the only source of emergency funding the government can bring to bear on last week's flood. I am pleased to announce that the government will be providing financial assistance to farmers to help address the cash flow problems they may face as a result of last week's storm in Essex county.

We will be providing grants that will ease the burden for farmers who may require operating loans. The grant will be based on the uninsurable portion of the value of the crop that is lost. We will be announcing the details of the program in the next few weeks. To deal with the possible tile drain damage, the Ministry of Agriculture and Food will ensure that sufficient funds are available for tile drainage repair grants.

As I said before, farmers will also receive assistance from the disaster relief fund to cover farm residences and essential furnishings, farm buildings, equipment and machinery, as well as orchard trees. Staff of the Ministry of Agriculture and Food will assess the possible problem of



market gardeners who may have crops for which no crop insurance coverage is available. In addition, more than 80 per cent of the crops in the area are covered under the Ontario crop insurance program.

The Ministry of Transportation will financially assist with the reconstruction of the municipal and county roads system. Based on current estimates, the ministry will provide an additional allocation of \$2 million for this purpose. The ministry will work in close co-operation with the county and municipalities, determining with them the priority roads projects.

Ministry personnel have determined that Highway 18 has sustained some damage. Two bridges, however, are still under water and inspections must yet be made at these two sites. We intend to see that these get repaired as soon as possible. In this instance, costs are estimated at \$1 million.

While the disaster relief assistance program covers only privately owned property, the unconditional grants program administered by my ministry permits us to provide special financial aid to municipalities where extraordinary expenditures would cause an excessive tax increase. We will consider whether assistance can be provided under the program as soon as we can assess how much flood damage to public property will cost the municipalities.

I would like to compliment the people of Essex county on the way they have pulled together to deal with the effects of the flood so far. I am sure their community spirit will ensure the success of their fund-raising efforts. I would like to assure them that this government will do everything it can to help them to rebuild their lives just as quickly as possible.

#### WATERFRONT DEVELOPMENT

**Hon Mr O'Neil:** I rise today to inform members that over the next five years my ministry will make \$30 million available to Ontario municipalities with populations under 50,000, to redevelop and reclaim their waterfronts for tourism and recreation.

The economic imperatives of another age placed manufacturing and transportation facilities at the water's edge in much of Ontario. More and more towns and cities are awakening to the potential of their previously neglected urban shorelines. Reclaimed, these lands will not only attract tourists but also serve as sites for new recreation facilities to enhance the lives of their residents.

In communities with waterfront across the province, the community waterfront program will stimulate residential and commercial development, leading to major improvements in local economies and significant job creation. Well-planned lake or river fronts can serve as focal points for entire communities and lead to the rejuvenation or even the creation of whole neighbourhoods.

Under this new program, up to \$500,000 is available to waterside municipalities for the construction or rehabilitation of facilities intended to expand or improve tourism and recreation. Up to \$50,000 is available to a community for planning and feasibility studies.

My announcement today responds to this government's commitment in the 1987 speech from the throne, to implement a community waterfront program. In keeping with this government's 1989 throne speech initiatives, the program will strengthen the economies of smaller communities, foster healthier lifestyles for Ontarians and assist the expansion of the tourism and recreation potential of the province.

1350

#### FOREST FIRES

**Hon Mr Kerrio:** I would like to update the House on the forest fire conditions in the north. Yesterday, a restricted fire zone was declared for all of northern Ontario. The area includes my ministry's northwestern, north-central, northern and northeastern administrative regions, the south shore of the French River and the French River Provincial Park.

The restriction order prohibits all burning, including campfires for warmth and cooking. While portable stoves are allowed, we are asking people to use them with care. The restriction is in effect until midnight Monday night 31 July.

It has been hot and dry across northern Ontario for several weeks. This has created high to extreme fire conditions throughout the area. There are 188 forest fires burning in the province.

I am asking people to be especially cautious over the next few days. Because of the large number of lightning fires, we want to reduce the risk of additional forest fires as much as possible.

Over the past week, we have evacuated close to 600 people in northwestern and north-central Ontario. The Ministry of Natural Resources is committed to protecting lives and property from forest fires.

There are currently 1,100 MNR firefighters in the field. Our firefighting team is a dedicated



group of people who are doing an outstanding job under extreme pressure. The co-operation we have received from the people of northern Ontario has also been tremendous. They include extra firefighters, native fire crews, volunteers who choose not to be evacuated so they can help contain the fires, and people in the communities who receive evacuees.

Once again, I urge people to exercise extreme caution in and around the forests over the coming days.

## RESPONSES

### FLOODING

**Mr B. Rae:** I want to respond to the announcements that have been made by the Minister of Tourism and Recreation (Mr O'Neil) and in particular by the Minister of Municipal Affairs (Mr Eakins).

Obviously it is in the very best traditions of the history of this province, looking back at the origins of the first settlements in this province by farmers, that we would, as a community, always want to assist those people who have been hit by the effects of a natural disaster.

I can just say to the minister that we are glad the government has finally seen the wisdom of the recommendations that were made to him by me and by my colleague the leader of the Conservative Party.

**Hon R. F. Nixon:** Nice of you to share that initiative.

**Mr B. Rae:** I am happy to share it with whoever.

**Hon R. F. Nixon:** Never would have thought of it.

**Mr B. Rae:** I will say some nice things about the Minister of Natural Resources (Mr Kerrio) in a minute, but I want to say that I am glad to see that the comments made by the Minister of Agriculture and Food (Mr Riddell) off the cuff, as it were, have been overruled by his colleagues in cabinet and that in fact the government is not going to be proceeding on the basis that only those farmers with crop insurance would be covered or that any assistance would be limited to crop insurance.

I am glad to see that there has been a change of heart on the part of the government and the cabinet in terms of providing assistance to farmers dependent on their need and their condition, and because of the severity of the situation, the really unusual impact, and the seriousness of the impact which this has had.

I might point out to the minister that the copy of his statement that I have shows that the estimate of the damage to the two bridges that he talked about was \$300,000, and in his statement in the House he talked about \$1 million. I think that gives everyone a sense of just how serious the damage is and also how quickly changing are the estimates as to what exactly this is going to involve and how much effort is implied.

I think we all want to send our congratulations and our best wishes to the citizens of Essex county who have encountered the tragic circumstances of this flood with great imagination, courage and, I might add, great forthrightness in terms of their bringing forward their concerns to the forefront of our life here at Queen's Park and making the government respond in the way in which it has.

On this day of all days, I would be the first to say to the government that we are grateful and happy the government is taking the steps it is and we look forward to assisting the government in whatever way we can to assist the good people of Essex county as they rebuild their lives, their communities, their farms and their homes in the face of this terrible tragedy.

### FOREST FIRES

**Mr Hampton:** Responding to the announcement by the Minister of Natural Resources (Mr Kerrio), I do not think it comes as any surprise to anyone that the fire conditions across northern Ontario are high and extreme. We have had hot weather now for about a month, with very little rainfall.

I think the important part of the minister's announcement is this: Earlier this year we had a lot of rainfall in northern Ontario and so fire conditions were at a low point. In fact, fire crews were not often pressed into service. Now the situation, as the minister has indicated, is quite extreme and so fire crews will probably be pressed into service often and for long periods of time. We will see how effectively his new method of fighting fires works. I say to the minister that we have situations now where crews which are working together have not trained together. They have not trained together and they have not fought fires together.

It is very difficult to fight a roaring forest fire when you are not sure if you can depend on the people next to you, when you are not sure if they know what to do or when you are not sure they are going to follow orders. I hope, for the minister's sake, that the method of fighting fires that he has put into practice this year is successful

because the bottom line is that there are 230 fewer trained firefighters in the field this year than were in the field last year.

I also want to say to the minister that in the long term, the policy of simply evacuating Indian villages cannot work and I hope his ministry will pursue that and look at that again.

### FLOODING

**Mr Brandt:** I want to make some brief comments with respect to the announcement by the Minister of Municipal Affairs (Mr Eakins) in connection with the Essex county disaster. Let me just say that during the course of this past session of Parliament, we have not, on this side of the House, had too many opportunities to be complimentary towards the government with respect to certain policy initiatives and certain broken promises that have been made.

However, I want to say on one of the last days of this session of Parliament that I indeed want to join with all members of the House, I believe, in congratulating the minister and the government on showing the initiative in providing a three-for-one assistance program to the people of Essex county who no doubt will appreciate that kind of help.

There is no question whatever that the situation in Essex county is in fact a disaster in the true sense of the word. The damage in that area is going to run into millions of dollars, as the minister is well aware, and is probably escalating as we now speak. Many in the agricultural community do not have adequate crop insurance. About 80 per cent do, I understand, but there is 20 per cent who do not who will be wiped out completely or bankrupted as a result of the devastation that occurred there.

I think this is an opportunity, if I may say so, for this province and our communities to pull together to help in a case where there is a very clearly identified need. We have done this in Barrie and we have done this in Woodstock. It has been the history of this province, quite frankly, through whatever administration was in office, that we all shared in trying to overcome the kind of burden of disaster that fell on the shoulders of a particular region of our province.

I think it is only right and proper to provide three-to-one assistance, which we in fact had recommended very early in the discussion on this particular issue from the perspective of our side of the House. It is proper that the government has provided this kind of assistance. I want to take this opportunity to congratulate the government and the minister, particularly, and I trust the

program will be worked out in such a way as to be of maximum benefit to all of those who are in need in that particular area.

**Mr Villeneuve:** May I also comment briefly, particularly on the agricultural area in southern Essex county, most of whose farmers are producers of fruit, vegetable and cash crops. I am rather pleased that the Minister of Municipal Affairs made that statement today. I am afraid that had it been left to the Minister of Agriculture and Food (Mr Riddell), we may still have been waiting and the news may not have been nearly as good.

1400

The problem here is that these very same farmers last year suffered drought, drought that they are attempting to partly recover from. There has been a \$114-million offer from the federal government, a government that promised during an election campaign to help and a government that is keeping its promise. This government does not want to co-operate to bring \$152 million to the agricultural community of the province of Ontario.

The Minister of Agriculture and Food told us that he has the support of the Ontario Agricultural Commodities Council. I have been advised by the council itself that it does not support the minister's stand in this particular, rather political stance.

### WATERFRONT DEVELOPMENT

**Mr Harris:** I want to briefly comment on statements by the other two ministers, first of all, the Minister of Tourism and Recreation (Mr O'Neil). On the waterfront program, the \$6-million community waterfront program, I would like to indicate that the \$6 million a year that the minister has announced is headed in the right direction. I think it is progress, I think it restores a program that we have been without for the last four years since the Liberal administration took office. Now finally we have the government putting confidence and faith back into reclaiming and redeveloping waterfronts in this province. I know that communities will welcome this program being restored, although \$6 million a year is not much.

### FOREST FIRES

**Mr Harris:** Finally, to the Minister of Natural Resources (Mr Kerrio), we appreciate the update on the fire situation. It is a serious situation. We appreciate the knowledge of the ban of open fires. I assume it applies as well in the Sault area to—



**The Speaker:** Thank you. That completes the allotted time for ministerial statements and responses.

## ORAL QUESTIONS

### OCCUPATIONAL HEALTH AND SAFETY

**Mr B. Rae:** I have a question for the Minister of Labour. The minister, I am sure, will have seen the answers given in this House by his colleague the Minister of Industry, Trade and Technology (Mr Kwinter) concerning the government's planned legislation, Bill 208, on health and safety, where the Minister of Industry, Trade and Technology made it clear that he was proud to be a champion of the business community, that he was listening to their concerns about the health and safety legislation and their opposition to it and that he regarded this bill as not simply labour legislation but as legislation affecting many aspects of economic life in the province.

The labour movement, as I am sure the minister will know, has been told by him that he considers Bill 162, which the House has just passed, and Bill 208 a package, as part of an overall approach by the government. I wonder if the minister can tell us: Is it the government's plan to proceed with Bill 208 as it is now written?

**Hon Mr Sorbara:** I should tell the Leader of the Opposition, in responding to his suggestion that I said that bills 162 and 208 were a package, what I was attempting to explain at that time when I made that comment is simply this: From my perspective, the policy that I have been trying to bring to this province in the area of health and safety is really twofold.

The first part of it, represented by Bill 162, is a system of compensation that really does reflect the losses that workers have suffered after a permanent partial disability or an injury that lives with that worker for the rest of that worker's life. The second part of the government's policy is to have health and safety legislation that does put into place very stringent rules so we can ensure that we are minimizing to the greatest extent the occasions when there are accidents in the workplace and, in doing so, to have legislation that creates a framework within which workers can effectively participate in the management of their own health and safety in those workplaces. That is what Bill 208 does.

I expect, Mr Speaker, that after we have a little bit of a summer break, we will be debating that bill in this House in second reading.

**Mr B. Rae:** I did not hear an answer from the minister as clearly as I wanted it—

**Mr Ballinger:** You wouldn't be satisfied anyway.

**Mr B. Rae:** Come on now. The Business Coalition on Bill 208 states in a press release put out by the Ontario Trucking Association that it seems that these efforts—referring to efforts to lobby against this particular piece of legislation—have effectively convinced the government that Bill 208 needs revision.

I am trying to explore the depth of the government's commitment to all the aspects of Bill 208. I want to ask the minister point-blank: Is it the government's intention to proceed with Bill 208 as it is now written in all respects; yes or no?

**Hon Mr Sorbara:** Let me just tell the Leader of the Opposition that I do not think there has been a time in the history of this Parliament when a bill sponsored by the Minister of Labour in the area of health and safety, or perhaps any other piece of labour legislation, has not given rise to some concern by the business community. I think back to when in the last Parliament we dealt with first-contract arbitration. If you think way back to the first rights-of-labour bill, I think probably some of the same response was there. There have been a number of organizations that have come to me both from the labour side and from the management side, suggesting amendments. In fact, the Ontario Federation of Labour has suggested a series of amendments dealing with certain aspects of the bill, as has the Canadian Manufacturers' Association and a number of other groups.

I think both my colleague the Minister of Industry, Trade and Technology and I, on occasion, have listened to those representations and have taken them into consideration as we prepare for second reading, but I cannot tell the member that there has been any decision whatever to make any amendment to the bill prior to second reading.

**Mr B. Rae:** It is extremely important in terms of what has happened in the government's whole performance on health and safety. The government moved on Bill 162 unilaterally against the advice of the labour movement. The minister knows perfectly well what the commitment of the labour movement is to the principles contained in Bill 208. He also knows the extent of the business lobby against Bill 208. That is why I am asking the minister to give us his assurance that it is the government's intention to proceed not just through second reading but to enact a law on health and safety as it was basically negotiated and agreed to by the parties prior to the introduction of this bill. The minister knows that



is what has happened prior to the introduction of this legislation.

**Hon Mr Sorbara:** I think that is the major fallacy under which the Leader of the Opposition is working. Bill 208 was not negotiated between the parties. Bill 208 was presented in this Legislature after extensive consultation by myself and officials within the Ministry of Labour with a number of groups around the province, and it has a history beyond that. In the last Parliament, my predecessor introduced Bill 106 which really is the foundation upon which Bill 208 is based.

A number of the things that were in Bill 106 have been reproduced in Bill 208. When I became Minister of Labour I felt that we needed to go beyond Bill 106 and in particular to have a system which brought the workplace parties together in the agency that is reflected in Bill 208. I strongly believe in the principles in that bill. I anticipate that when we come back we will be able to debate those principles, that there will be amendments suggested by the New Democratic Party, that there will be amendments suggested by the Progressive Conservative Party, and all of those matters will be considered during second reading and when the bill is in committee.

#### COULTER FINANCIAL CORP

**Mr B. Rae:** I wish I could say that I was reassured by the minister's answer, but my question is to the Minister of Financial Institutions. I am sure the minister, because of his history in this House, will recall a statement that was made by a previous minister responsible for the Mortgage Brokers Act. It is a statement that was made by Gordon Walker back on 24 June 1981 after the Re-Mor/Astra Trust fiasco. Mr Walker said that there were a number of things which needed to be done in terms of tightening up the act and the procedures under the act. There were a number of changes that needed to be made.

As the minister will know, the act has not been changed, but there were procedures outlined by Mr Walker about things that could be done even within the act to ensure that major breakdowns of the financial system did not occur with respect to mortgage brokering. My question to the minister is this: His staff have been into this company and group of companies, all the group of companies involved—

1410

**The Speaker:** The question?

**Mr B. Rae:** —a normal annual review on 28 July, a spot-check on 7 February, one branch on

17 April, and on 19 June a spot-check of Kiminco Acceptance. Four businesses in a year. What happened?

**Hon Mr Elston:** First of all, so that the public is aware of what was said, I had indicated that there were visits to the people who are licensed under the Mortgage Brokers Act. In fact, that is correct. But the allegation by the Leader of the Opposition that we were in the whole group of companies is not proper. Our role is only to participate in an analysis of the companies that come within the Mortgage Brokers Act.

With respect to Mr Walker's quotes, I have not necessarily found it helpful to commit to memory quotations by Gordon Walker, but I can say that I have some indication that there were suggestions that some things should have been done under the auspices of a review of the Re-Mor situation. That may have been eclipsed slightly by an activity level of a very high degree dealing with Seaway and Greymac in the trust company areas. Particularly with respect to Re-Mor and Astra, it was the relationship between the mortgage company and the trust company, I think, which was clearly causing considerable problems.

We have taken a very high level of regard for the regulation that is required with respect to trust companies and have been looking at—

**The Speaker:** Thank you. That seems like a fairly extensive response.

**Mr B. Rae:** The fact remains that the ministry and the officials in the ministry identified inadequacies in the act going back to 1981. That was the thrust of the announcement that was made by Mr Walker. He talked about the need to deal with self-dealing, the need to have documents in language that people could understand, the need to have a more detailed examination of audited financial statements, the need to have forensic accountants there; he went on and on to describe, in a two-page announcement in this House, exactly what needed to be done. Some of them were administrative changes and some of them were problems in the act and the law that were not, in his view at that time, adequately protecting the investor.

Can the minister explain how it is that his ministry was in Mr Coulter's registered, licensed companies four times in the last year and apparently never found any problem which would lead it to take any action to protect investors in these companies?

**Hon Mr Elston:** The review and the assessment that were done by the inspectors were done in relation to the material which was supplied in compliance with the act. I can tell the member

that probably there would not be found, from what I understand now, a lack of clarity in the language of the documents which really contributed to the problems. We will be assessing fully, as I said yesterday, the circumstances under which some people agreed to invest in soft assets, after we know for sure exactly what happened to have them brought into those investments.

I am not prepared at this point to provide my own judgement, although the member may be prepared to put his judgement on it, as to what actually occurred, how it occurred and why it occurred. My advice is that the people in my department who were working on these assessments at the particular times mentioned performed in a way which was expected and required of them and—

**The Speaker:** Thank you.

**Mr B. Rae:** The minister is the one who has made a judgement. He has told the press outside that he is satisfied, on the basis of one week's study by him, that everything is fine as far as the work of his ministry is concerned, and that there will be no compensation for any of the investors if that is what is required. He has made that judgement. That is the judgement he has made on the basis of one week's analysis.

I am asking the minister if he can explain how it is that an inspection would take place four times—not just once but four times—in the past year. It would include an annual review and a number of spot-checks of companies licensed. I would like to ask the minister how that could happen and, at the same time, the company would be put into receivership on 17 July.

**Hon Mr Elston:** It is my advice that it is not unusual, when the company is as large as this one, to follow up the annual review with the spot-checks as indicated. This is one of the largest, probably the first or second in Ontario; in fact, it was from that point of view that a branch was chosen on which to have a spot-check performed in compliance with a review of the annual report which had been made.

For the purposes of the first part of the member's statement, which said my judgement was that there would not be any reimbursement of those people who had invested in these uninsured assets, I have the preliminary opinion expressed by the people from my ministry that everything that was done was done well and everything that ought to have been done was in fact performed.

When we go through the analysis of the report on what happened with these assets, then we will

take a look at it. I also told the public that I am not prepared to insure—

**The Speaker:** Thank you.

## HOSPITAL FINANCING

**Mr Brandt:** My question is for the Minister of Health. I want to advise her, as she may be aware, that last month one of her ministry officials indicated that a number of hospitals have submitted budgets including deficits for the 1989-90 fiscal period. I wonder if the minister could confirm whether that statement is accurate, that hospital deficits are being reported, and would she indicate to this House how many hospitals have indicated to date that they will be operating in a deficit situation again this year?

**Hon Mrs Caplan:** I am pleased to report to the leader of the third party that through the formulation of the new funding formula, which will see that hospitals ultimately are funded appropriately, fairly and to meet the service needs of their community, we expect that hospitals should be able to balance their budgets with the service provided to their community, and we are working with them on an ongoing basis to help them achieve that.

I can tell him that we have just begun in this transitional funding formula; in fact, last year many of the hospitals which were able to work directly with the ministry found that by working co-operatively with us, services were able to be maintained and balanced budgets achieved.

**Mr Brandt:** I wish the news was anywhere near as good as the minister is indicating. There was an article in the *Ottawa Citizen* on 29 June which indicated that at least five of the Ottawa area hospitals are going to be experiencing deficits. I will give the minister the exact figures so that she can check these out: Ottawa General Hospital, \$5.5 million; Children's Hospital of Eastern Ontario, \$2.2 million.

This shortfall—and there are a number of others as well; I will provide the minister with the list—is as a result of the minister providing four per cent in terms of increased funding, which is fully one per cent below the rate of inflation. I have to suggest to the minister that it is going to be a long, hot summer again for our hospitals.

Does the minister agree that the only move that can be made by hospitals that seems to make sense in light of the financial limitations the minister has placed on these institutions is that they close beds in order to comply with the limitations of the minister's funding programs?

**Hon Mrs Caplan:** For the information of the leader of the third party, some \$6 billion, a



transfer payment increase of 8.3 per cent, I believe, will be made available to the institutions. Let me quote for him what a hospital administrator has to say about how alternative methods of financing and better management can achieve balanced budgets without impacting on service.

"More surgery was performed in the hospital this past year but much of it was done in outpatient clinics, which means patients don't stay overnight.... We haven't turned away any patients or refused to look at anyone, but every hospital admission is a matter of judgement as to whether the patient needs to be admitted or can be cared for in an outpatient diabetic clinic, for example, or at a doctor's office."

**1420**

This was the assistant administrator of finance from the Cambridge Memorial Hospital, who turned a \$3-million deficit into a small surplus by working co-operatively with us so we can assist them.

**Mr Brandt:** Let me quote to the minister another hospital administrator who does not feel quite as positive about her program, that is, the administrator of the Whitby General Hospital who is now having to serve patients—I know the minister will find this quite surprising—and look after their needs in elevator shafts and in hallways because he does not have enough room. He has indicated that any cuts he has to make from his present budget will have to result in more beds being lost.

The Kingston General Hospital is indicating a deficit of some \$1.1 million; St Catharines General Hospital, \$500,000; the Chedoke McMaster Hospitals in Hamilton, \$3.5 million; and the Oshawa General Hospital, \$1.1 million. Is the minister going to allow these hospitals, as a result of their deficits, to make a decision or is she going to force them into making a decision where they have no other alternative again this year but to cut more hospital beds? Is that her answer to the problem?

**Hon Mrs Caplan:** I would say to the leader of the third party that by focusing on the services provided, by focusing on alternative ways of providing those services, hospitals can maintain service levels by providing more and more on an outpatient basis, as has been proven time and again over the course of the past year.

I have a quote he might find very interesting: "You have to make some very tough decisions, as the minister, the government, about the shape of the system. You know, refusing to continue to add more and more beds. Saying to doctors and

boards of directors, look, you're going to have to do more surgery on an outpatient basis.... Today it's recognized that they can do more than half of all surgical procedures on an outpatient basis, which is a lot less expensive."

"I do not believe for one minute that there is a shortage of money in the system."

**The Speaker:** Thank you.

**Hon Mrs Caplan:** Does the member know who said that? It was Dennis Timbrell.

## CONTROL OF SMOKING

**Mr Sterling:** I have a question of the Minister of Labour. This afternoon we are going to begin to deal with Bill 194. We may be dealing with it for some time in the future.

This morning several health care groups met with me and the critic for the New Democratic Party and in unison said that Bill 194 was a step backward rather than a step forward. They urged the minister to make basically two amendments to the bill. I ask him whether he is willing to accept reasonable amendments to Bill 194.

**Hon Mr Sorbara:** I want to tell my friend the member for Carleton that I look forward to consideration of Bill 194 in committee this afternoon and I look forward, frankly, to concluding that debate in committee of the whole.

**Mr Brandt:** We're staying here for the summer.

**Hon Mr Sorbara:** The leader of the third party says he wants to be here all summer, but he is sitting there with a packed suitcase beside his desk, so I do not know what he is talking about. In fact, I see an airline ticket in the pocket of the member for Durham East (Mr Cureatz), flying back to Oshawa.

I certainly am prepared to be here to consider all reasonable amendments that are presented to the committee. However, I note that the bill already has been in committee of the whole House for quite some time, and I do not expect that at this late date we will be seeing amendments that have not already been discussed at least in principle.

**Mr Sterling:** In committee we put forward two amendments before. One was basically to define that a smoking area must be separate and apart from the nonsmoking area, to which anybody who has any logic would agree. There should be some kind of physical barrier between a smoking and a nonsmoking area. The other amendment deals with the right of a nonsmoking



employee to sit in a nonsmoking area which is separate and apart from a smoking area.

Due to the fact that in committee the minister's senior policy adviser, Mr Clarke, in response to a question I asked, said that from this legislation as it now stands before this Legislative Assembly springs no new right—and those are his words—for a nonsmoker in a workplace, will the minister accept the amendments I have mentioned to him?

**Hon Mr Sorbara:** I have no problem at all with acknowledging in this House and elsewhere that my friend from Carleton is absolutely passionate about bringing about a smoke-free Ontario, where no one smokes, and that whoever does is not within puffing distance of people who do not smoke, but he suggests separate areas in workplaces.

If members had had the opportunity to be at his press conference this morning, they would have heard him talk about a hodgepodge. Right now in Ontario, in the absence of Bill 194, we do have a hodgepodge of regulation. Surely he is not suggesting that in our workplaces we permit smoking only where there are separately constructed and ventilated facilities, while basically in any restaurant in Metropolitan Toronto or elsewhere, the accommodation is a smoking section over there and a nonsmoking section over here. What my friend the member for Carleton is proposing is a hodgepodge for the province.

When we pass Bill 194, as I think and hope we will today—

**The Speaker:** Thank you.

**Mr Sterling:** Going to a restaurant, a place where one has the choice of going, is significantly different from going to a workplace, where one does not have a choice; one has to earn a salary.

According to subsection 3(2) of Bill 157, the "council of a municipality may pass bylaws prohibiting or regulating smoking," which go over and above this particular law. In other words, the city of Toronto, which has stricter laws than Bill 194—

**The Speaker:** And your question?

**Mr Sterling:** Everybody agrees with me on that save the minister. If we do pass Bill 194 in its present form, will the minister agree to have the government House leader call Bill 157, which would allow each and every other municipality in the province to make equal laws—

**The Speaker:** Thank you.

**Hon Mr Sorbara:** First of all, if we are comparing strictness, I should say that Bill 194 frankly has far more clout in it than any bill my

friend from Carleton introduced as a private member.

Comparing Bill 194 with the city of Toronto bylaw, he should remember that Bill 194 provides a minimum standard right across Ontario for every workplace under our jurisdiction. It requires that the workplace be smoke-free. The city of Toronto bylaw does not require that at all. The provision in the city of Toronto bylaw is that if the workers themselves want a smoke-free workplace, then they can have it, but in the absence of anyone's complaining, people can smoke at will in workplaces in the city of Toronto.

The fact is that Bill 194—and we have done the canvassing, I tell my friend from Carleton—is one of the most progressive, significant pieces of legislation to regulate smoking in the private workplace anywhere on this continent, and I look forward to his supporting it this afternoon.

1430

#### TRANSIT SERVICES

**Ms Bryden:** I have a question for the Minister of Transportation. The minister continues to leave construction of the urgently needed Sheppard Avenue subway in limbo. However, three members of Metropolitan Toronto council—Chairman Alan Tonks, North York Mayor Mel Lastman and Toronto New Democrat Dale Martin—have recently suggested ways in which an early start on this subway line might be possible.

Would the minister consider changing his priorities for public transit in Metro Toronto by accepting the three councillors' proposal under which Metro council would put up \$500 million now, as its 25 per cent share of the line's \$2-billion full cost, and the provincial government would match that \$500 million right now, in order to get construction started immediately?

**Hon Mr Fulton:** I thank the member for Beaches-Woodbine for her question and her interest in this subject. I am sure she would be aware that the proposal put forward by the Metro chairman is only a proposal at this stage, that we are aware of, in the newspapers. In fact, it is not new. We have been suggesting innovative and creative ways of funding infrastructure projects across the province. In fact, we have embarked on at least one recently. We are looking at any number of potential options.

I talk with the Metro chairman and others on a regular basis. If they have a proposal, I would be only too happy to sit down and meet with them. But the member should be aware that in the case

of the Sheppard subway, and I go back to my friend the member for Scarborough Ellesmere (Mr Faubert), who is knowledgeable on the subject, until the planning stages are done, we cannot build the subway. The determination of Network 2011, in fact, was Victoria Park.

In order to extend any subway into the city of Scarborough, which is to be the eastern terminus of the subway, one must study the route, and that is the million-dollar commitment we made some time ago; I think last November. The member would be aware of that.

**Ms Bryden:** That planning should have been done in the past 10 years because we have known about the need for the subway for at least that long.

Another part of the three councillors' proposal is that a substantial part of the money required for construction might be raised from developers who will benefit greatly from such a line. If they were offered increased density rights in exchange for a significant contribution to the subway costs, substantial funds could be generated.

Sheppard Avenue is currently an area of very low density and both provincial and municipal planners are urging increased density in the Metropolitan area to help solve the affordable housing crisis. If the proceeds from the proposed density bonus were great enough, the province might even be off the hook for its 75 per cent share of the Sheppard Avenue line costs and be able to use the money saved for other major public transit improvements here in Metro such as the Eglinton West transit line—

**The Speaker:** Thank you. Order. There must be a question somewhere there.

**Hon Mr Fulton:** I could not quite hear it myself. It was an interesting statement and commentary by my colleague. I am not sure if the member for Beaches-Woodbine is suggesting that the formula put into place in 1971 to share 75-25 in capital on transit and other projects be changed. Is she suggesting we change that? We are not proposing that. I say again, we cannot build a subway, we cannot put a streetcar line on Queen Street, without some planning. Until that is completed, we cannot commit funds. She would know that under the Environmental Assessment Act.

We are planning it. I am not responsible for what happened before this government took office. Clearly there were many unmet needs. We agree on that. The other government was not planning, but we are doing that. You do not build a subway overnight. I would like to know

whether the member is suggesting that our funding formula in fact be changed.

#### NEONATAL CARE

**Mr Jackson:** Mr Speaker, with your permission, I would like to relate to the Minister of Health an incident which occurred at Haldimand Memorial Hospital on 21 May.

At 4 am, Mrs Lisa Miller, in her 28th week of pregnancy, went into high-risk labour. The doctor on call in the emergency department phoned the neonatal intensive care unit at Chedoke McMaster Hospitals; it was closed. He then called Mount Sinai Hospital; it was closed. He then called Women's College Hospital in Toronto; it was closed. He called London's St Joseph's Hospital; it was closed. He was finally able to find the only bed available, in Kingston, but they could not move the woman because she was in labour at risk of delivering the baby in the air ambulance and the weather report said they might not be able to land safely.

**The Speaker:** The question?

**Mr Jackson:** My question has to do with the fact that at that very moment there was no paediatrician, no obstetrician and no life-support system for Lisa's baby.

**The Speaker:** The question?

**Mr Jackson:** To date, the minister has described Ontario's neonatal intensive care system as working well. My question is simply this: Can she explain why this would happen to Lisa Miller?

**Hon Mrs Caplan:** I am always prepared to investigate any specific case that members in this House raise, but I want the member opposite to know that it is not necessary, when dealing with perinatal care, for physicians to have to phone each of the 13 hospitals individually. There is one central number which will determine where the nearest available bed is and then co-ordinate both the land and air ambulances to ensure that the patient has access to the resource as expeditiously as possible. I would be pleased to investigate this particular case.

**Mr Jackson:** The minister knows that her ministry has already been looking into this case. But I want to let the minister know that, in desperation, the doctor that morning phoned Buffalo Children's Hospital. They confirmed that Buffalo in fact had an intensive care bed, but they had to wake up the head of obstetrics at 5 am to ensure that it would accept Lisa in labour. The mother and the doctor travelled 40 miles by ambulance to Buffalo, where they delivered the



baby and she was put on life-support systems. The mother was discharged after two days and baby Chantele, at only two and a half pounds, stayed in Buffalo for 22 days.

**The Speaker:** The question?

**Mr Jackson:** Now the bills from the United States have arrived in Canada and, according to the Ontario health insurance plan—

**The Speaker:** The question?

**Mr Jackson:** —Lisa is being asked to pay the difference because OHIP is going to pay only 75 per cent of the cost. My question is simply this: Lisa Miller did not choose to have her baby in Buffalo—

**The Speaker:** Order. Would the member take his seat? New question.

### BLOOD DONATIONS

**Mrs O'Neill:** I have a question for the Minister of Health. I have met with a constituent of mine who is very distressed by the blood donation policy of the Canadian Red Cross Society. As the minister knows, the Canadian Red Cross Society does not permit direct donating; that is, donating blood with a specific recipient in mind. However, the Canadian Red Cross Society does have a program in place which allows adults to have their own blood taken prior to surgery. This program does not apply to most children, as they do not usually meet the body weight required for such self-donations.

Will the minister please comment upon the government's position in regard to the policy of direct donating, particularly in light of the threat posed by disease, such as acquired immune deficiency syndrome?

**Hon Mrs Caplan:** I would like to acknowledge the member's interest in this very important area. Blood donation policies are established by the Canadian Blood Committee, which is made up of representation from every province and every territory in this country. The Canadian Blood Committee relies on the very best possible expert advice in formulating its policies.

The issue of directed blood donation, as the member knows, is not a simple one. In fact, there are compelling arguments on both sides of that issue. The issue raises a very important concern about how a change in policy would affect the attitude towards both giving and receiving blood in this country. Another concern is that, perhaps by allowing directed blood donations, undue pressure may be brought to bear on family members who, perhaps unbeknownst to the

family and friends, might be at high risk for contagious disease.

**1440**

I think the member would agree, and I know all members of this House would agree, that the most important objective and the goal of our blood-supply system is to maintain our voluntary blood donation system, while ensuring a safe supply of blood.

**Mrs O'Neill:** Dr Joseph Hauser, of the Canadian Blood Committee, has stated that the issue of direct donating will be raised at the next meeting of the committee in October. As members know, the Canadian Blood Committee includes both federal and provincial representatives. Given the recent concerns expressed by parents, will the minister be supporting this review?

**Hon Mrs Caplan:** The Ministry of Health will be represented at the October meeting. The issue that the member raises is a very significant one, in that the work of the Canadian Blood Committee recognizes many of the complexities of the issues it must deal with in advising the blood-supply system and the safety of that system for Canadians. I will certainly await any of the decisions of the committee with great interest and would say that I support the important work of the Canadian Blood Committee.

### SUPPORT AND CUSTODY ENFORCEMENT

**Mr Allen:** I have a question for the Attorney General. It has to do with the support and custody enforcement branch. It has to do with Renate Manthei, who four years ago was subjected to a marriage breakup, two years ago was awarded the custody of the children and \$650 per month support was required of Mr Lyons, her ex-spouse. He then quit his job, remarried, has ceased payments and now has a debt, I believe, of something like \$4,500 in back payments that are unpaid.

The minister's office has been unable to resolve the problem and even a default hearing found that the ex-spouse in question was unable to pay, in spite of the fact that Ms Manthei laid before his office some evidence that this man in fact has a 33-foot steel yacht, which he sails on the weekends; has secured severance and pension payments from his job loss, and has investments.

**The Speaker:** Order. With respect, this is not members' statements; it is question period. Would you please put your question.

**Mr Allen:** I am trying to acquaint the Attorney General with the detail he will have to respond to.



The question I wanted to ask him is quite simply this: Will the Attorney General please tell me how extensive the investigation would be by that office into that list of assets available to Mr Lyons, and would it not be wise to require the registration of such assets in order to facilitate—

**The Speaker:** One question is sufficient.

**Hon Mr Scott:** As the member understands, I am certain, the support and custody enforcement branch simply enforces orders that are made by the court or that are incorporated in separation agreements. If we determine that there is a reasonable prospect that an asset exists, we invite the court to take possession of that asset for the benefit of the creditor.

I am confident that we do that diligently, but it is, at the end of the day, for the court, not the program, to determine whether the assets exist or whether payment should be made. That is a judicial function, not a government function. We simply enforce orders.

I will be glad to look into this particular case to see if anything could be done that has not been done. I want the honourable member to know that in a year and a half, we have some 60,000 cases we are processing in Ontario. The good news is that when the bill was introduced, there was a collection rate of about 15 per cent. We have now got that up well in excess of 50 per cent and I look forward to the day when we will be collecting something like 85 per cent of court orders in Ontario.

**Mr Allen:** The additional 50 per cent of course is the challenge before us all, and this is a case in point.

Renate Manthei has two children. Her financial status is such that she has just been unable to meet her gas bills and she expects the hydro will be cut off if she does not receive support payments soon to supplement what income she gets. The minister's office frequently spends more money in chasing some of these people than the support orders virtually warrant in terms of their dollar value.

Would the Attorney General not consider instituting something like the Wisconsin Child Support Assurance System, whereby public provision is made to such a person where there is default, up to a certain level, while the government pursues the delinquent spouse?

**Hon Mr Scott:** I think the honourable member does not understand the nature of the plan. This woman's predicament, which is very real, I understand, with two children, would be the same if her husband were dead or, indeed, if she had never married.

There are welfare programs that deal with people who find themselves in those most unfortunate circumstances. I refer my friend to the Minister of Community and Social Services (Mr Sweeney), who can give him a full account of programs that are available to assist people who have no adequate means of support; very lavishly provided, by the way, in this province.

This program which I run is not a social assistance program. It is a program designed to enforce court orders if they can be supported, in the sense that if there are funds to discharge the liability in the view of a court we will obtain those funds. That is what we do. We do not run a social welfare service. We run a collection agency. We do the best we can and I am proud to say have had a very high success rate, often, as the honourable member recognizes, spending a lot of money to try and collect these debts.

#### COMMERCIAL CONCENTRATION LEVY

**Mr Cousins:** I have a question for the Treasurer and Minister of Economics. It has to do with his budget presentation in which he announced there would be a commercial concentration levy. He has received correspondence from one of my constituents, Mark Cullen, of Weall and Cullen Nurseries, who has outlined in his letter the problems that this levy will have on large commercial establishments in excess of 200,000 square feet, where there is an extra dollar levied upon them.

He raised the point in his letter that it is going to add to inflation; it is going to give undue advantage to smaller retailers; it may force businesses out of the greater Toronto area. I agree with him. He says, "This proposed law is inequitable, extravagant and unfair."

I would ask the minister: Would he reconsider this levy and the effect it is going to have on large retailers in the GTA?

**Hon R. F. Nixon:** I think the honourable members who were paying attention to the presentation of the budget and the rather minor discussion that has taken place on these matters since would be aware that this additional tax is designed to pay, in part, for \$2 billion in extra funding that is going to be allocated to the Ministry of Transportation for transportation infrastructure. This is to improve road transportation, transit and particularly GO Transit over the next five years.

It is the concept and the principle of the new bill which is before the House now—and we hope to proceed with it in the fall—that these large establishments over 200,000 square feet are in a

position to benefit from the infrastructure and, in fact, cannot do business unless the travelling public can be brought to their door.

We feel that in that circumstance it is not unfair and not inequitable to have a tax base in which these people who benefit from these improvements are going to pay at least a part of the cost.

**Mr Cousens:** Instead of the greater Toronto area, the GTA will soon become known as the greatest taxation area.

I have a letter, as well, for the Treasurer which is from a hotelier and he is pointing out the problems it is going to create for hotel owners in and around the greater Toronto area. There will be a two-tiered pricing structure for hotels, room rates will increase by \$5 to \$10, and it is going to drive business to other jurisdictions outside of the GTA, into other provinces and other countries.

The minister still has a chance, before he is promoted to some other existence, whether it is to Ontario Hydro or somewhere else, to do something about it. I would ask again if the honourable Treasurer would be so kind as to amend the legislation and bring about changes that are not going to be so punitive to large retailers and large hotel owners in and around the Metropolitan Toronto area?

**Hon R. F. Nixon:** I do not consider the taxation unfair and inequitable or punitive. In fact, it is an opportunity for the greater Toronto area to recover from the inadequacies in the funding for its transportation infrastructure that it has been suffering from for the past decade.

**1450**

We simply have to improve this situation so that business, which is the lifeblood of the people the honourable member is talking about, is going to be able to come to their door and employees are going to have adequate and modern transportation. I believe it is a substantial breakthrough to assist the greater Toronto area in meeting its competitive position across North America. If the honourable member would give it more careful consideration, I would expect in the long run he would become a supporter of it.

Mr Speaker, if you will permit me, the honourable member would know that these bills will be before the House in the autumn and he will have a chance to put his views, however misinformed they may be, before the committee.

#### FARM TAX REBATE

**Mr Keyes:** My question is for the Minister of Agriculture and Food. I know that some opposite will say, "Why don't you lean over and ask

him?" I do not want to be accused of disturbing the House.

Farmers in eastern Ontario have expressed concerns regarding the changes in the farm tax rebate program for this year. One of their key concerns is that they may experience a severe increase in the amount they must pay to rent land from large land owners and corporations, as these groups will not receive the tax rebate this year. Will the minister please explain how the farmer who rents land can be protected from being asked to pay an increased sum to make up for this loss of rebate?

**Hon Mr Riddell:** The changes to this year's \$140-million farm tax rebate program are aimed at making sure that the rebate goes only to those farmers who are actively farming on their own land, so speculators and large nonfarm corporations will be eliminated from this program. As we are well into the 1989 crop year, the majority of rental agreements had already been established before any changes to this program were announced. Therefore, the problem in 1989 of increased rental prices because of the farm tax rebate changes will be practically nonexistent.

**Mr Keyes:** I would also like to point out to the minister that many of the farmers in my riding and that of my honourable colleague the member for Frontenac-Addington (Mr South) have been told by land owners they rent from that they can expect their rents to go up next year to compensate for the lack of rebate they are receiving this year. How does the minister see rents being affected in this program in the future?

**Hon Mr Riddell:** Land rental rates will continue to be determined by supply and demand conditions of the market. The changes to this program will have no effect, as far as I am concerned, on rental prices. The demand for rented land is basically dependent on a number of things—the type of soil is one and the type of crop to be grown on the land is another—and as such we do not consider the farm tax rebate to be a significant factor in establishing rental rates.

To say that this program change will lead to higher rental rates is really a red herring. Regardless of the farm tax rebate, it is more profitable for land owners to rent their land than it is to leave it vacant. It is important to note that this is simply an interim program, that through extensive consultation with the various farm organizations we will be bringing in a new version of the farm tax rebate program next year.

#### PROPOSED NEUTRINO OBSERVATORY

**Mr Laughren:** I have a question for the Minister of Industry, Trade and Technology. The



minister knows well of a project proposed for Sudbury by the international scientific community, the Sudbury neutrino observatory. We have been pressing the minister for some months now to make a commitment to provide the \$7.2 million that has been asked for by the lead funding agency at the federal level.

Now that the federal agency has doubled the amount it is asking from the province, to about \$15 million, I wonder if the minister could tell us a couple of things: first, why he delayed so long in making a commitment which opened a door for them to double the ante; and, second, whether he has arranged a meeting with the federal minister, Bill Winegard, to discuss this matter.

**Hon Mr Kwinter:** I thank the member for the question, because it gives me an opportunity to correct him on some of the misconceptions he has. He should know that the neutrino observatory in Sudbury has been under discussion in my ministry and with me for over a year.

We have looked at it, and quite frankly, although the observation of neutrinos is fascinating, there is very little in the way of economic benefits that accrue to Ontario. This is the opinion of informed scientific experts. Notwithstanding that, because they are asking for that money and it breaks new ground and presents an opportunity for us to participate in programs we normally do not participate in, we were prepared to look at it, and we have been actively pursuing it.

The amount that was requested of us was \$7.6 million. We felt that was not justified, but we were still looking at it. It was not that we procrastinated and the price doubled; we could not get a firm handle as to who the participants were going to be and what the cost was going to be.

What has happened now is that we have had a letter from the Natural Science and Engineering Research Council saying that everybody is looking at it. There is not one single firm commitment. But they also threw in the little zinger saying, "We are expecting \$15 million from the provincial government."

**The Speaker:** Thank you. Sometimes when you ask two questions at once, you get a fairly long answer, so try a supplementary.

**Mr Laughren:** I appreciate the fact that I can still have a supplementary. The minister is wrong in some of his assertions. There have been major commitments made, contingent upon Ontario's commitment. We cannot for ever run around in circles waiting for the other person to make a commitment. Surely to goodness, the province

has to make its commitment; then those other funding agencies, including the United States to the tune of \$17 million, will make their commitments firm. Surely, as the observatory is going to be in Ontario, the Ontario government must make its firm commitment. Could I ask the minister why he has not at this point arranged a meeting with the federal minister so we can get this project back on track?

**Hon Mr Kwinter:** It is important that the member for Nickel Belt understand: It is really an accident of geography that it is being considered for Sudbury. He understands that; I am glad to see that he acknowledges that.

The project's main driving force is not the province. It is the National Research Council, it is NSERC, it is the United Kingdom, it is the Americans. We are the last people who should be in, not the first.

**Mr Laughren:** It's in Ontario.

**Hon Mr Kwinter:** I know, but I am saying it is in Ontario only because of an accident of geography. What we are saying is that when this project is fully committed, which it is not, and when the economic justification can be made, we will make our decision. In the meantime, we are going to respond to NSERC's letter about the \$15 million. As the member knows—I shared this with him; that is how he found out about it; I went out of my way to tell him about that—that was a whole new factor in the equation.

**Mr Laughren:** I'm mad at them, too.

**Hon Mr Kwinter:** I know the member is mad at them, but do not take it out on me.

#### TRANSFER OF PATIENTS

**Mr Brandt:** I have a question for the Minister of Health. It is with regard to Bethany Lodge, which is located in Lambeth, a community close to London. Bethany Lodge received, as a result of a transfer from her ministry, a psychogeriatric patient, and there was an incident in that home with respect to this matter. It was investigated by the ministry, and the findings were that inadequate information accompanied the patient to this particular institution.

Some complications set in that I do not want to go into at this time, but I wonder if the minister could share with the House what procedures are now in place when these patients are transferred to ensure the safety of both staff and residents, in order that they receive adequate information to know the types of patients they will be getting in those institutions.



1500

**Hon Mrs Caplan:** As the leader of the third party knows, the nursing homes in the province are governed by the Nursing Homes Act, and the obligations are set out very clearly under that act. The Ministry of Health, through its investigations branch, responds to any concerns that are raised by anyone from the community or from a resident in those homes. The patients' bill of rights under the Nursing Homes Act is as well a significant step forward in the delivery of care.

He knows I am a proponent of making sure that we have not only quality of care, which of course is so important, but quality of life, dignity for the individual and empowerment for individuals, particularly those in our nursing homes. We often have an opportunity in this House to discuss how we can improve, and of course I am always willing to listen to any suggestions he might have.

**Mr Brandt:** I want to bring to the minister's attention the fact that a group known as the Concerned Friends of Citizens in Care Facilities has documented some 208 cases of psychogeriatric patients who were transferred to nursing homes in 1988 from psychiatric wards as well as other institutions. What I want to receive from the minister, and to have her give this House, is the assurance that the residents and staff are not in any danger as a result of these transfers; that the medical information is being provided to the transfer institutions so they have full and complete information. As well, I think it is reasonable to expect that there would be follow-up—

**The Speaker:** Order. There have already been two questions placed.

**Hon Mrs Caplan:** The leader of the third party should know that nursing homes are regularly inspected. Standards as well are regularly reviewed, as are the obligations of the Nursing Homes Act.

Regarding placement, he would know that the long-term care announcement made by my colleague the Minister of Community and Social Services (Mr Sweeney) talked about the need to be able to look at an assessment for individuals into all areas of long-term care so that we can assure they are receiving the appropriate care in the appropriate location.

**The Speaker:** That completes the allotted time for oral questions and responses.

A point of privilege? I do not believe I had notice of that.

## DEVELOPMENT OF GOVERNMENT LAND

**Mr Harris:** Yes, Mr Speaker. Yesterday in this House the member for Scarborough-Ellesmere (Mr Faubert) stated: "In response to that statement"—I do not want to get into too many details—"the member for Nipissing (Mr Harris) left the impression that the city of Scarborough had not been made aware of the province's long-standing and public intention to provide a housing component on this site."

Without getting into details and taking up too much time, I suggest to you, Mr Speaker, that the member for Scarborough-Ellesmere, in referring to me in this House—

**The Speaker:** Is that your point of privilege?

**Mr Harris:** Yes.

—is alleging and imputing my motives in something I said to this House. I simply want to state that I was repeating what had been told to me by the—

**The Speaker:** Order. Would the member take his seat, please?

Interjection.

**The Speaker:** Order. I am sure the member has read the standing orders. It is not a point of privilege.

## PETITIONS

### SECURITY IN PREMISES USED BY PUBLIC

**Mr Sterling:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We request that the Ministry of the Attorney General withdraw Bill 149, An Act to amend the Trespass to Property Act, which we believe is unnecessary and without mandate.

"While we respect the rights of minorities and youth, whom Bill 149 alleges to protect, we oppose the way in which the proposed legislation will erode the ability of owners and occupiers to provide a safe and hospitable environment for their patrons or customers. We are further concerned about the legislation's potential for increasing confrontation in the already difficult process of removing individuals who create disturbances on publicly used premises."

I have signed that petition along with 696 other people, bringing the total to 3,000 people who have signed like petitions.

### TEACHERS' SUPERANNUATION

**Mr Furlong:** I have two petitions, one with 21 names and another with five names. In part, the petition reads:

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario negotiate with the Ontario Teachers' Federation towards an equitable settlement."

This is dealing with teachers' pensions and I have affixed my name to this as required by the standing orders.

### NATUROPATHY

**Mr Fleet:** I have a petition which has been signed by 262 people.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is our constitutional right to have available and to choose the health care system of our preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

I have countersigned these pages in accordance with the standing orders.

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr Philip from the standing committee on public accounts presented the committee's second interim report of 1989 and moved the adoption of its recommendations.

**Mr Philip:** I have a brief statement. The cost controls and resources monitoring of forest firefighting in the Ministry of Natural Resources were investigated by our standing committee on public accounts during June and July 1989. On 22 June 1989, the Deputy Minister of Natural Resources, the director of the Aviation and Fire Management Centre, the acting executive director of the finance and administrative group, and the director of the financial resources branch appeared before the committee.

The committee report contains a number of proposals. It also proposes that our committee visit the central forest firefighting centres in North Bay, Thunder Bay and Dryden during the summer recess of 1989. It is our intention to do so. We hope that by having these onsite visits we may have further comments on this ministry in our 1989 annual report.

On motion by Mr Philip, the debate was adjourned.

### INTRODUCTION OF BILL

#### LIMITATIONS AMENDMENT ACT, 1989

Mr D. R. Cooke moved first reading of Bill 57, An Act to amend the Limitations Act.

Motion agreed to.

**Mr D. R. Cooke:** Last session, Bill 198 received second reading, and the overwhelming support of this House and a lot of people outside of this House as well. I think this bill is better than that, and it continues to redress the problem of sexual abuse limitation periods.

This bill was formulated through close discussion with the Canadian Bar Association—Ontario. It defers commencement of the limitation period for sexual assault; as well, it creates a reverse presumption of the burden of proof, placing that burden of proof on the defendant. I think it is an improvement over Bill 198.

**The Speaker:** We might debate it at a further time.

1510

### ORDERS OF THE DAY

#### COMMITTEE SITTINGS

Mr Conway moved resolution 11:

That the following committees be authorized to meet during the summer adjournment in accordance with the schedule of meeting dates agreed to by the three party whips and tabled with the Clerk of the assembly to examine and inquire into the following matters:

Select committee on education to consider the future of education financing relating to equity, accountability and adequacy of operating and capital finances.

Select committee on energy to consider Bill 204, An Act to amend the Power Corporation Act.

Special committee on the parliamentary precinct to meet from time to time at the call of the co-chairs of the committee to consider matters related to the restoration of the Parliament building.

Standing committee on administration of justice to consider Bill 2, An Act to amend the Courts of Justice Act, 1984; Bill 3, An Act to amend certain Statutes of Ontario Consequent upon Amendments to the Courts of Justice Act, 1984; Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984, and the 1988 report of the Ontario Provincial Courts Committee.



Standing committee on finance and economic affairs to consider Bill 18, An Act to amend the Ontario Municipal Improvement Corporation Act, and Bill 20, An Act to provide for the Payment of Development Charges.

Standing committee on general government to consider Bill 119, An Act to amend the Ontario Lottery Corporation Act, and the final progress reports to the Minister of the Environment of Inco, Falconbridge, Algoma Steel and Ontario Hydro on acid rain abatement programs.

Standing committee on government agencies to consider the operation of the Ontario Human Rights Commission and of certain other agencies, boards and commissions of the government of Ontario.

Standing committee on the Legislative Assembly to consider matters related to the administration of the House and services to members and the Freedom of Information and Protection of Privacy Act, 1987.

The committee shall have authority to adjourn to Tulsa, Oklahoma, to attend the annual meeting of the National Conference of State Legislatures.

Standing committee on the Ombudsman to consider the denied cases of Farm Q Ltd and Mrs H, the report of the Ombudsman on denied cases and the Ombudsman of Ontario annual report 1988-89.

Standing committee on public accounts to consider the 1987 and 1988 annual reports of the Provincial Auditor.

Standing committee on resources development to consider Bill 30, An Act respecting Funeral Directors and Establishments, and Bill 31, An Act to revise the Cemeteries Act.

Standing committee on social development to consider Bill 147, An Act respecting Independent Health Facilities.

**Hon Mr Conway:** This is the committee schedule as worked out by the three party whips for the intersessional period, upon which we will be entering hopefully in the near future.

Motion agreed to.

Mr Conway moved resolution 12:

That with the agreement of the House leaders and the whips of each party, committees may meet during the summer adjournment at times other than those specified in the schedule tabled today with the Clerk of the assembly.

**Hon Mr Conway:** This motion and the following motion 13 are what I would describe as collateral motions that relate to the committee work in the intersessional period. This one indicates a mechanism whereby, with the agreement of House leaders and whips, committees

may meet during the summer adjournment at times other than those specified in the schedule tabled with the clerk.

Motion agreed to.

## COMMITTEE REPORTS

Mr Conway moved resolution 13:

That the committees be authorized to release their reports during the summer adjournment by depositing a copy of any report with the Clerk of the assembly, and upon the resumption of the meetings of the House, the chairs of such committees shall bring any such reports before the House in accordance with the standing orders.

Motion agreed to.

## GASOLINE TAX AMENDMENT ACT, 1989

Mr Conway moved, on behalf of Mr Grand-maitre, third reading of Bill 24, An Act to amend the Gasoline Tax Act.

**The Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

## CITY OF TORONTO ACT, 1989

Mr Reycraft moved, on behalf of Mr Kanter, second reading of Bill Pr32, An Act respecting the City of Toronto.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of the whole.

La Chambre en comité plénier.

## JUSTICES OF THE PEACE ACT, 1989 (continued)

## LOI DE 1989 SUR LES JUGES DE PAIX (suite)

Consideration of Bill 93, An Act to revise the Justices of the Peace Act.

Etude du projet de loi 93, Loi portant révision de la Loi sur les juges de paix.

Section/article 17:

**The Chairman:** According to my able assistants, we were up at section 17 and the member for Carleton (Mr Sterling) was going to move it, but the member for Nipissing (Mr Harris) has something.

**Mr Harris:** Yes, an amendment to section 17 that I think the member for Carleton wanted

moved. The member for Carleton, as the members know, is very much in demand by the media at this particular stage of our proceedings in the summer. He is talking to them now and will be back shortly.

**The Chairman:** Mr Harris moves, on behalf of Mr Sterling, that section 17 of the bill be deleted and the following substituted therefor:

"There shall be a committee known as the Ontario Provincial Offences Court Committee composed of three members, of whom:

"(a) one shall be appointed by the Ontario-wide Justices of the Peace Association and the Justices of the Peace Association of Metropolitan Toronto;

"(b) one shall be appointed by the Lieutenant Governor in Council;

"(c) one, to be chairperson, shall be appointed jointly by the bodies referred to in clauses (a) and (b).

"The function of the Ontario Provincial Offences Court Committee is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matters relating to the remuneration, allowances and benefits of presiding and nonpresiding justices of the peace, including matters referred to in section 20, clauses (c) and (d).

"The Ontario Provincial Offences Court Committee shall make an annual report of its activities to the Lieutenant Governor in Council.

"Recommendations of the committee and its annual report under subsections (2) and (3) shall be laid before the Legislative Assembly if it is in session or, if not, within 15 days of the commencement of the next ensuing session."

**The Chairman:** Do you have an opening statement on behalf of Mr Sterling?

**Mr Harris:** I would suggest two things. First, I will give a very brief explanation, and second, if others have comments, I suggest that we await the member for Carleton's return to point out some of the legal intricacies with which I am not familiar.

**Hon Mr Sorbara:** Where is he?

**Mr Harris:** The Minister of Labour asks, "Where is he?" If he had listened to me, he would know where he is. I said he is out talking to the media about the minister's rotten smoking bill that nobody likes.

The purpose of the amendment is to have an independent body which, in our party's opinion, would assist to keep the independence of the judiciary. We think it is a reasonable amendment.

Because I have not been involved in a discussion with the parliamentary assistant and the critics, I do not know if it is an amendment that he is inclined to accept or if there has been previous discussion. It might facilitate the time of the chamber, though, if the parliamentary assistant wishes to comment on it at this point. If he wishes to wait for the member for Carleton to comment further, I would suggest we stand it down and move on.

**The Chairman:** Are there any other members who would like to comment right now?

**Ms Bryden:** I would like to hear what the member for Carleton would say on this amendment, and I think we should not pass it until he arrives. In the meantime, I would like to make a few comments on the subject matter of the amendment. I wish to bring to the committee's attention cases that I have had where justices of the peace have not been able to serve the public in the way in which I think the public expects to be served by an official of the nature of a justice of the peace.

I am glad that this bill has been brought in, because I think we do need an updating of the role of justices of the peace and a clarification of their role in the justice system. For that reason, it is a useful bill to have before us. But it does need amending, and the amendment that the member for Carleton has moved is, I think, a very useful one.

I wanted to tell the committee that early this spring I received a phone call on a Saturday night saying that a young man had been arrested in a restaurant that night for presumably causing a disturbance of some sort. He had been taken to the detention centre in Toronto and told that his case would be eligible for bail as soon as a justice of the peace could be found to have a bail hearing. He was in that detention centre from Friday night until Monday morning because no justice of the peace could be found; no justice of the peace appeared to be on duty. I think that sort of situation has to be changed so that an individual who is only accused of a crime does not have to spend three days in jail awaiting a bail hearing.

**1520**

I know that there are extenuating circumstances, that justices of the peace are very overworked, that they do not appear to have a regular shift system and regular limitations on their hours and that they are not always available on call when a bail hearing is needed. I think that has to be changed and I would hope that the body the amendment is suggesting should be set up to



consider working conditions, pay and the qualifications for them, and deal with the matter of seeing that the public is provided with adequate justice of the peace service.

In desperation and in order to see if some action could be obtained for this young man, I phoned the answering service number in the telephone book for the Attorney General (Mr Scott), left a message that it was a very urgent matter and asked whether he could get back to me as soon as possible on that weekend. I mentioned to the answering service the nature of the problem.

Unfortunately, the answering service did not respond before Monday, when the case was actually heard by a justice of the peace. There did not appear to be any emergency service either, at least not through the Attorney General's answering service, which I would think might have been able to alert whatever emergency service there was to see if something could be done on the Saturday or Sunday.

That is one of the reasons why I feel that justices of the peace and their pay conditions and working rules should be examined and improved. I think if we want to be a province that sees that justice is available to all and that justice is not denied because of deficiencies in the administration of our justice system, then we must do as soon as possible what is needed to provide us with a much more efficient justice of the peace system. We must make our administration of justice easy for the public to access and not leave it as a mystery or welter of delays, putting people into great problems.

The young man whom I was interested in may have lost his job because he would not be there on Monday morning until the bail hearing had been heard. That is another reason the case was a very serious one and why I had hoped that the Attorney General might have emergency service that could have provided him with the case.

I really want to commend the member for bringing in this amendment. Perhaps he will give us other reasons he feels it is important.

**The Chairman:** Does the member for Carleton have an opening statement?

**Mr Sterling:** Not on this one. The member for Nipissing was kind enough to introduce this amendment for me. Basically the amendment sets forward a procedure whereby the salaries of justices of the peace can be determined. I believe it is necessary to have some mechanism outside of the civil service deciding what justices of the peace should be paid. It is on the basic presumption that the political system should be

separate and apart from those who are making judicial decisions. Under the present legislation, the co-ordinator makes the call as to what salary justices of the peace would get.

I do not put any intention to that, either good or bad, save and except that I would remark that a report dated 31 March 1988 recommended that full-time justices of the peace of the province be paid some \$45,000. That is called the Sibson report. Some year and a half later, justices of the peace are still being paid \$39,000 or so a year.

These people are being asked to make significant decisions on issues such as hearings under the Environmental Protection Act. They conduct all the bail hearings after 4:30 or 5 o'clock in the afternoon and on weekends to a very large degree, and therefore have a significant responsibility in deciding whether or not somebody who may be dangerous to the community is released or not released.

I believe the amendment is self-explanatory. It sets up a tripartite committee to decide and recommend to the Legislative Assembly what kind of salary these people should be receiving. The same kind of mechanism is now used for our provincial court judges, and I would like to see this mirrored in this legislation as put forward by my amendment to section 17.

**Mr Offer:** Very briefly, I think the essence of this particular amendment is founded on an earlier amendment which was moved by the member for Rainy River (Mr Hampton) at an earlier date in terms of an amendment to subsection 10(1). I will be speaking in opposition to this particular amendment.

I speak in opposition to the amendment, keeping in mind what this particular bill before the Legislature is designed to accomplish. Basically, it is a restructuring, a reworking, a redoing of the justice of the peace system in Ontario. It is a matter whereby we are taking the five classifications currently for justices of the peace and making two classifications. It is a matter where we are establishing a co-ordinator for justices of the peace throughout the province to provide an even better service, an effective service throughout the province.

I speak in opposition to this particular amendment because we are redoing this particular system at this time. There is a great deal of work that the co-ordinator will have to do in taking a look at the type of functions that are needed in all the different areas of the province and how best to meet those functions.

This amendment, this particular motion, may have its time and place somewhere in the future,

but I think at this point in time it is premature, keeping in mind what this piece of legislation is designed to accomplish. Accordingly, I speak in opposition to the amendment at this time but make it clear, as I did, I believe, to the member for Rainy River when he moved an amendment to subsection 10(1), that this is an important matter which I feel will have its time and place for discussion in the future.

**Ms Bryden:** I would like to say that the member for Rainy River unfortunately had to leave for his constituency about an hour ago. He had hoped this would come up yesterday. I think it was on Orders and Notices for yesterday.

He will be very disappointed that the parliamentary assistant is opposing his amendment. I think he feels very strongly, as I do, that the Justices of the Peace Act must be not only an overhaul of the complexities and a clarification of the classifications of justices of the peace, but it must be a true revision of a very important piece of legislation in the administration of our judicial system and in providing that people have access to the various stages in the judicial process, and that it not be tied up in a lot of red tape and lack of availability of staff or of justices of the peace.

**1530**

I am disappointed in the parliamentary assistant's decision not to consider this question, especially when he thinks that there may be merit in introducing it at some later date. Have we any commitment or suggestion that the act might be opened up again next session so that this might be dealt with?

**Mr Offer:** In fact, in response to the inquiry from the member for Beaches-Woodbine, as I have indicated earlier we will be moving an amendment to the legislation. In fact, the amendment is really an addition to section 20 whereby the implementation of this particular legislation will be taken on a region-by-region basis. As such, the time period at which the whole province is within this particular legislation is one which is not capable of any definite and precise calculation. Notwithstanding that, I do believe that one of the things that the co-ordinator will be doing in terms of taking a look at the needs of the province in terms of service by justices of the peace, will permit this type of investigation and analysis to proceed.

As to a time period, the short answer is that I cannot give that type of commitment. There is a great deal of work to be done by the co-ordinator in making the justices of the peace system in the

province co-ordinated and effective and a more manageable system than we have at present.

**The Chairman:** Are there any other comments? Are we ready for the vote?

All those in favour of Mr Harris's motion will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 17 agreed to.

L'article 17 est adopté.

Section/article 18 :

**The Chairman:** Mr Sterling moves that the words "law and" be deleted from section 18(1) of the bill.

**Mr Sterling:** I do not want to make this particular debate long, but it was brought to my attention by the justices of the peace organization that they thought and felt that justices of the peace should be guided by the Court of Appeal, the Supreme Court of Canada and other law-making bodies in our province and in our country. Therefore, this section seems to indicate that the co-ordinator would issue directions as to which way the law should be interpreted.

I am sure that if this particular part was taken out, it would not prevent the co-ordinator from trying to draw to the attention of the justices of the peace what in fact he thought the law might be. But to say that the direction of the law is this or that may not be all that prudent in putting it in terms of this legislation.

That is the reasoning behind the amendment.

**Mr Offer:** I think the member for Carleton very clearly and precisely does talk to this particular issue. He is right in stating that, of course, the Court of Appeal, the Supreme Court of Canada would have greater jurisdiction than the co-ordinator. There is no question about that.

What this particular section is designed to do is to make this legislation permit binding directions, which is not now the case, by the co-ordinator upon justices of the peace in matters of administration and law.

It is interesting that this particular matter was dealt with in some detail by Mewett in his report. He brought into account the two branches, the administrative and the legal aspect. It was felt that through his report, which was a fairly exhaustive type of report that went into a great amount of detail, this would: (1) accomplish some uniform body of knowledge among all justices of the peace through these binding directions; (2) allow people to get certain



questions answered through these binding directions without having to use other avenues such as mandamus, such as the routes of appeal, which are expensive and time-consuming. In many cases, there are matters which might be almost a merge of administrative and legal matters which could be dealt with through these types of binding directions.

What this section is designed to do is provide more of a precision and a clarity for the justices of the peace in the administration of their job. Accordingly, that is why I speak against the particular amendment: because, by accepting this amendment, we would be taking out one very necessary element in this type of precision which we are trying to accomplish.

**Mr Sterling:** All I say in reply is that I find the argument a little specious in that it does not prevent the co-ordinator from informing the various justices of the peace of the state of the law or what the Court of Appeal has said and how he or she might interpret that law.

However, if you wanted to be mischievous in using this and you had a co-ordinator who opposed on philosophical grounds what the Court of Appeal or the Supreme Court of Canada had decided in law, it is conceivable that with this section he could instruct the justice of the peace to disobey the law by interpreting it in some weird and wonderful fashion, and could say, "The law is this," when in fact the Court of Appeal or the Supreme Court of Canada had said it was that.

It is a matter of philosophical argument as to whether or not somebody should be instructing any member of the bench as to what the law is or is not in definitive matters. I believe that you help them find the law, but you do not say the law is black, red or green; you say that the appeal court has found it is red or it is green.

**The Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Sections 18 to 20, inclusive, agreed to.

Les articles 18 à 20, inclusivement, sont adoptés.

**The Chairman:** Mr Offer moves that the bill be amended by adding the following section:

"20a(1) Sections 4, 14, 15 and 17 and subsection 16(2) do not apply in an area in Ontario until the Lieutenant Governor in Council

by regulation provides that they apply in that area.

"(2) The following apply in any area in which sections 4, 14, 15 and 17 and subsection 16(2) do not apply:

"1. Justices of the peace shall exercise the powers and perform the duties conferred or imposed on a justice of the peace by or under an act of the Legislature or of the Parliament of Canada when so directed by the co-ordinator or a judge designated by the co-ordinator.

"2. Part-time justices of the peace shall be paid such fees, allowances and expenses as are prescribed under the Administration of Justice Act;

"3. Despite section 6, a part-time justice of the peace appointed before the day section 6 comes into force may exercise the powers and perform the duties of a justice of the peace after attaining the age of 70 years when assigned to do so by the co-ordinator or a judge designated by the co-ordinator.

"(3) The Lieutenant Governor in Council may make regulations declaring that sections 4, 14, 15 and 17 and subsection 16(2) apply in one or more areas of the province."

#### 1540

**Mr Offer:** Briefly, through our discussions in this particular legislation we have dealt with this one particular upcoming amendment many times. Basically, what this amendment does is make sure that the implementation of this legislation shall be done on a region-by-region basis.

The reason for that, as opposed to implementing it on a holus-bolus type of basis, is that there is great deal of work that has to be done by the review council and by the co-ordinator in terms of seeing what is out there in terms of justice-of-the-peace functions, how the needs can best be met. That, we believe, can be done most expeditiously and effectively if done on a region-by-region basis. That, I believe, would be subsection 1 of the amendment.

The following subsections deal with almost the transition when that is being done on a region-by-region basis. We believe this amendment will accomplish the implementation of this bill in a much more expeditious, effective and orderly manner.

**Mr Sterling:** We will support the amendment but we would have preferred that the Ministry of the Attorney General had permitted justices of the peace to be grandfathered in for a period of time. Some of these gentlemen are not young; when I talk about grandfathering, I really mean

grandfathering. I would have preferred it had the minister given that as an alternative or a possibility under the bill.

I say it for this reason, because the way I understand section 20, as set down, is it allows for the ministry to do this region by region and allow people who are over the age of 70 to continue to sit as part-time justices of the peace. That is fine and dandy for regions which are small in geographic area, but if you have a region which is large in geographic area, it can vary from one side of that area to the other.

The chairman has a relatively large constituency. I do not know how many justices of the peace there would be in your constituency, Mr Chairman, but the fact of the matter is it may not be possible to get a justice of the peace to fill the function of one of these elderly gentleman in a corner of your constituency, and under this legislation, once it is passed, he no longer is a justice of the peace on a part-time basis if he is over the age of 70 years.

I have mentioned before, as other members of the Legislature have, that those elderly gentlemen and women over the age of 70 who are being cut out as justices of the peace—and the parliamentary assistant admitted this after one half-hour of debate on a previous occasion in this Legislature—none of these people will be receiving any compensation from the government for their long service and that is another complaint we have with regard to these people who have served their province so well but will be cut out under this act.

So we support it but we do it with some reservation.

Motion agreed to.

Sections 21 to 29, inclusive, agreed to.

Les articles 21 à 29, inclusivement, sont adoptés.

Bill, as amended, ordered to be reported.

Le projet de loi, modifié, devra faire l'objet d'un rapport.

#### SMOKING IN THE WORKPLACE ACT, 1989

Consideration of Bill 194, An Act to restrict Smoking in Workplaces

Section 1:

**The Chairman:** Mr Sterling moves that the definition of "enclosed workplace" in section 1 on the bill be deleted and the following be substituted therefor:

"'Workplace' means any enclosed place of employment and includes a shaft, tunnel, caisson or similar enclosed space."

**Mr Sterling:** Under the present definition of enclosed workplace, it means an enclosed building or structure. Basically what I have done here is I have taken "building or structure" out of the definition as it now stands. The reason that I have taken it out of the definition is that I would like to be included in "workplace" vehicles, where people are required to work in vehicles on a day-to-day basis.

In other words, if two people are driving in a truck and there is a dispute between them as to a smoking area and a nonsmoking area as designated by this legislation, I do not understand why there would be a reluctance to include that in the definition and include them under any protection that this bill might give.

**Hon Mr Sorbara:** Just as a preliminary matter, might I beg your indulgence to have myself and my parliamentary assistant, the member for Halton centre (Mrs Sullivan) move to the front of the chamber and have officials from the Ministry of Labour join us for this committee of the whole consideration?

**The Chairman:** Please go ahead.

**Hon Mr Sorbara:** I note the member for Carleton, as he said before, wishes to include a number of other workplaces not initially contemplated when the bill was presented. Although I understand why he would wish to do that, we feel at this point we are not in a position to, nor do we wish the bill to cover the areas mentioned in the extended definition of workplace.

**Mr Sterling:** Why not?

**The Chairman:** There was a question addressed to you.

**Hon Mr Sorbara:** I am sorry, I did not hear the question.

**The Chairman:** It was simply, "Why not?"

1550

**Mr Sterling:** The minister said he did not want to extend it and I asked him why not.

**Hon Mr Sorbara:** There are a number of reasons. I think we have gone over those reasons at other times during this debate. As the member for Carleton knows, the bill as presented dealt with enclosed work spaces, and that is a very significant new regulatory burden on the ministry.

Frankly, in those situations where there are two individuals in an automobile, for example, and one of them does not want to be where the other one is smoking, my whole experience is that the smoker has always accommodated the nonsmoker, that people do that. I do not think it



needs to be the subject of government regulation, nor this statute.

**Mr Sterling:** If there are four people in the truck and three smoke, why should the non-smoker not be protected?

**Hon Mr Sorbara:** I have no comment.

**The Chairman:** Any other comments before we consider the vote?

**Mr Dietsch:** The guy who owns the truck should prevail.

**Mr Sterling:** This man over here says that the guy who owns the truck should prevail. That is the trouble with this whole damn bill. The employer calls the shot, and if he is as unsympathetic as this member over here is to the nonsmoker—he has just exhibited that—the guy who owns the truck can tell the other guys what to do. That is exactly the problem with this bill.

This bill is not about people who are considerate with each other. This bill is about the situation where we have a nonsmoker thrust into a situation where he is with other smokers who do not respect him and an employer who does not respect him. Therefore, why the hell should he not have some protection?

**Hon Mr Sorbara:** Mr Chairman—

**The Chairman:** Before you start answering, may I tell members to respect the parliamentary language.

**Mr Sterling:** I am sorry. I got a little irate.

**Hon Mr Sorbara:** It is late in the session and I can understand the passion of my friend from Carleton. I just want to correct one thing he suggested in his remarks. In the bill we are considering now, the employer does not call the shots. The statute directs the employer to eliminate smoking from the workplace.

There is the second part of the bill, which says that should the employer wish to accommodate to a certain degree a place in the workplace where people can smoke, he or she cannot do that alone as employer. The employer must consult with the workers in that workplace before a designation can be made.

The genius of that provision is that the workplace will only receive designations to the extent that it reflects the wide variety of needs of the people in that workplace. It is designed in effect to be a statute that can apply to every single workplace in Ontario and create for those workplaces a minimum standard we have never had before. The member for Carleton should not suggest in this committee that it is just the employer calling the shots.

**Mr Sterling:** I do not know whether the minister has read his own bill, but it says in subsection 3(3), "An employer shall consult with the joint health and safety committee or the health and safety representative, if any, at the workplace before establishing a designated smoking area." Who decides? The employer decides. He has the final say. He can reject the suggestions of the safety committee or he can accept them. Therefore, he has the final shot on what happens.

The minister said in his remarks that this covers every workplace. I want it to cover every workplace. I want to cover a building structure and I want to cover a moving workplace.

I do not understand his reluctance to accept the amendment. What is the big deal? He does not know why he opposes it. That is the problem. I did not get any explanation in the committee and I am asking him for an explanation here.

**The Chairman:** Mr Sterling moves that the definition of "enclosed workplace" in section 1 of the bill be deleted and the following substituted therefor:

"'Workplace' means any enclosed place of employment and includes a shaft, tunnel, caisson or similar enclosed space."

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 2:

**Mr Allen:** I do not know whether you have my package of amendments from last day when we were considering these? You do not? I had given them to you at that time, Mr Chairman, and assumed you would still have them. I have an amendment and will give you this package shortly, to copy again.

**The Chairman:** We will vote on section 1 in a little while.

Mr Allen moves that section 2 be amended by adding a new subsection:

"(3) Notwithstanding anything in subsection (2), no person shall smoke in any hospital, health care facility, child care centre or school attended by minors."

Does the member have a statement?

**Mr Allen:** This amendment is of course very similar to the one Mr Sterling was going to propose for the next section. Indeed, in one or two of our amendments we sort of flip over one way or another with similar amendments. Sometimes we have them placed in slightly different parts of the legislation.

I propose this for this section simply because this is the section which in the first place makes the statement with regard to the broad assertion, "No person shall smoke in an enclosed workplace," and then subsection 2 indicates some exceptions. I wish to see a subsection 3, which seems to me to be appropriate, because in the course of section 2, it refers both to the designation of smoking areas as proposed by the further section 3, and also to areas used primarily for serving the public as exceptions to that general proposition.

What I wanted to do was indicate broadly a clear limitation to the application of the exceptions with regard to the designation of smoking places and with regard to areas concerned with serving the public. It seemed to me in our discussions in committee after our hearings, as it seems to me now, that it is entirely inappropriate for there to be any smoking whatever within those designated institutions, namely, hospitals, health facilities, child care centres and schools attended by minors.

There are good reasons, I think, for singling those institutions out. The first pair, hospitals and health facilities, is quite obvious. By the very nature of the issues they attend to, the illness of persons, they quite clearly are institutions whose whole ambience is opposed to the proposition of smoking in such a workplace.

I do not have to reiterate for the members present the consequences of environmental tobacco smoke. We have been over those time and time again, and it is quite obvious, through everything that the member for Carleton and I are saying, that there is no way that enclosed workplaces and, in particular, hospitals, school institutions, health facilities and buildings of that kind, can be ventilated to accomplish a situation in which the presence of environmental tobacco smoke is at an acceptable level. That is simply impossible.

#### 1600

Therefore, the presence of environmental tobacco smoke, particularly in health facilities, hospitals and institutions of that kind, must necessarily count in a more significant way for the health impacts that would have in that special kind of setting. I think it is fairly obvious. Certainly numbers of hospitals have already moved, of their own accord, to make themselves smoke-free environments.

With respect to the institutions involving young children and children who are minors, first of all, it is quite obvious from the studies of the incidence of smoking that the onset of smoking,

the taking up of smoking as a lifestyle clearly begins in the younger years. Very few adults who become persistent smokers take up smoking as a practice after they become adults. It is massively a practice that is embarked upon in early years.

Therefore, it is crucial for us, as we move on in our onslaught on environmental tobacco smoke and the use of tobacco products generally, in light of the health consequences and the health costs associated with that, to tackle the practice where it begins. Inasmuch as it begins in those early years, the institutions where those young people are present need to be the most protected institutions of all.

Certainly studies have indicated that young people begin smoking at an earlier age and more frequently than had been thought to be the case. Studies by Dr Pengelly, for example, at McMaster University have told us that the figures are not something like 19.5 per cent of indulgence, but close to a third of the younger set who in fact are smoking.

If one moves to issues, for example, of lifestyle, role modelling and what have you, it is quite clear that young people at that age take their practices from what they see in their environment, from what they see among their peers and from what they see their teachers and parents doing. The more we can restrict the impact of that role modelling in the negative sense, the better it will be for all of us and for the health of this province in the future and for the individuals in question.

Second, those young people who do take up the practice in those early years are far more likely to be afflicted with cancerous conditions later on in their lives. Just from the point of view of those specific individuals, it is extremely important to focus upon those years and the institutions where those young people are present in large numbers.

Schools and school boards that have undertaken to have smoke-free environments have found that they are working reasonably successfully. With regard to child care centres, there is another issue that has to be of serious concern to us, and that is that children, in their younger ages in particular when they are rapidly growing, absorb the products of environmental tobacco smoke into their bodies at a much higher rate and to a greater extent than is the case with older persons. The result is that they have an increased susceptibility and are much more seriously affected.

One should also add that day care centres are institutions where pregnant women are apt to be



present in significant numbers for part or all of the day care period, and the evidence is accumulating now that various forms of pregnancy problems like miscarriage, still birth, lower foetal birth weight and growth retardation are a result of environmental tobacco smoke and the adverse impacts of that upon women. So it seems to me there are a number of special reasons why we should be inserting in this legislation an absolute prohibition with respect—

[Failure of sound system]

**The Deputy Chairman:** Thank you. Minister?

**Hon Mr Sorbara:** This is probably like the good old days, when we had to raise our voices.

**Mr Sterling:** On a point of order, Mr Chairman: Can you ensure whether or not this is being recorded on Hansard?

**The Deputy Chairman:** The lights are low, and I have been advised that it is the television lights which are low. It will take some 15 minutes for them to resume the strength they once had. The Hansard recording will be advised upon by the Clerk after he determines that situation.

The Sergeant at Arms advises that the Hansard reporting service is in operation. Minister?

[Failure of sound system]

**The Deputy Chairman:** Could I get you to withhold for the moment any comment? We are trying to determine now whether things are being recorded.

1610

I am now advised that the audio is not being recorded through the members' microphones; only through this microphone of mine is it being recorded. The Hansard reporter will take the members' statements by shorthand and I would request, therefore, that you speak a little more slowly so that she may be able to do so.

**Mr Sterling:** It may take me even longer than two weeks to wrap this debate up.

**Hon Mr Sorbara:** It's got to be louder, too, Norm.

**Mr Sterling:** Perhaps if the Minister of Labour would listen, I would speak a little louder.

I do not understand the minister's arguments in relation to this amendment by Mr Allen, which I support fully. I do not think he understands the legislation he has brought before the Legislature, because basically what the minister is saying is that there is enough goodwill out there to take care of the problem.

I agree that there is goodwill out there to take care of a lot of the problems, but you do not bring in legislation to take care of the problems that will take care of themselves; you bring in legislation to take care of the problems where the people will not take care of them themselves.

That is why Mr Allen has brought forward this amendment. That is why we have asked that the minister make this legislation meaningful.

We do not expect hospitals to act in an irrational manner. We do not expect day care centres or child care centres to act in an unreasonable manner, in the main; but knowing human nature, we expect a few of them not to act in the best interests of the young people.

Some of the school boards—maybe it is six out of 100, as the minister has said—do not have a nonsmoking policy. Our intention in this Legislature, and I am sure it is the intention of the member for Hamilton West (Mr Allen), is to protect all of the children of the province. That is why he is asking the minister and his government to say that no person shall smoke in a hospital, health care facility, child care centre or school attended by minors.

If the minister wants to suggest a friendly amendment to the motion, where he wants to give the government some power to prescribe regulations to allow exceptions, I am quite willing to accept that kind of amendment—I do not know whether the member for Hamilton West would be or not—but there may be instances, which the minister might cite, where it might be necessary to have smoking accommodation in what might be described in chronic care institutions for older people who are 80 and 90 years old and who have been addicted to tobacco for years upon years.

I would be quite willing to, say, give the cabinet of Ontario the power to prescribe an exemption to that institution or to that group of institutions if they have to provide smoking areas for those individuals; I am quite willing to do that.

But we need a general, overall prohibition against smoking in these kinds of institutions. I feel particularly strongly with regard to minors, because the evidence shows that minors cannot consume and deal with secondhand smoke to the same degree as an adult can.

Therefore, I would ask the minister to accept the member's amendment. If the minister wants to amend his amendment, I am sure the member for Hamilton West would consider that and say, "Well, I have 95 per cent of what I wanted, and they may prescribe some chronic care institutions

where it may be necessary to have a smoking area and it might fall in the other part of the definition." What does the minister say to that suggestion?

**Hon Mr Sorbara:** It is a very interesting one that was thoroughly canvassed when Bill 194 was in the standing committee on social development, my parliamentary assistant advises me. They are interesting arguments. Were I to accept the amendment of the member for Hamilton West, I would also want to amend the amendment, but after all of that discussion in committee, I do not accept the amendment of the member from Hamilton West. I will not be proposing an amendment to that amendment.

**Mr Allen:** The one thing that disturbed me most in the minister's comments earlier was his evident acceptance of the absolutely minimal standards this legislation lays out, not just for ordinary workplaces but for hospitals, health care facilities, schools and day care centres. For him apparently it is an acceptable situation for an employer to be able to act under section 3 and to designate a smoking area that does not require any external ventilation, does not even require that the employer remove individuals or allow individuals in that designated smoking area who are nonsmokers to remove themselves to some other part of the workplace.

That is how absolutely minimal and laid back this particular piece of legislation is. For him then to say that those standards are equally acceptable as a broad base for hospitals, health care facilities, schools that minors attend and day care centres is really quite an astonishing statement. That is the position all those institutions are left in by virtue of the minister's statement and by virtue of this legislation.

#### 1620

What surely one has to insist upon is that if that is the case, then those institutions need a higher level of protection, regardless of his particular concern that there be differential levels of protection. Clearly, they are different kinds of workplaces from the kinds of workplaces that are commonly viewed by this legislation and, apparently, by the minister.

It really is of very little consequence that many or most of the school boards, hospitals or day care centres might have smoking policies of some kind. The minister did not detail for us whether those policies required designated smoking areas with external ventilation, or what kind of smoking policies they were, in point of fact. I am quite aware of schools that have a smoking policy, but a smoking policy which permits

smoking in the staff room is simply a part of the overall ventilation system, and everybody gets it. Surely that is not good enough.

If the minister is going to provide such a minimal base to work from, then surely he is obligated to find a more acceptable base for those particular institutions where the issue matters much more deeply than it does in a place that produces venetian blinds, car wheels, tires, steering wheels or whatever.

I appeal to the minister to think again about that question. I am sure the member for Carleton and I remember very clearly when we raised this question in the committee. Successively, we eliminated one item after another from this list of items in this amendment until we were down simply to day care centres. The Liberal members and the ministerial representatives who were present at that time were quite obdurate that they were unprepared even to accept that a day care centre ought to be off limits when it comes to a smoking policy. If that is the case, I am not particularly optimistic.

I do appeal to the minister to think again about this question, because I think in one respect it is the critical amendment for the long-term health of our population. If you can move in effectively on the years up to 18 and the institutions where those young people secure their role modelling and are impacted by environmental tobacco smoke in very physical, health-related ways, then surely we have nipped the larger part of the problem in the bud.

I will leave it at that for the moment, and I hope the minister or his parliamentary assistant will respond affirmatively to our request.

**The Deputy Chairman:** Is there any further discussion on this amendment? If not, I will put the question.

Mr Allen moves that section 2 be amended by adding a new subsection:

"(3) notwithstanding anything in subsection (2), no person shall smoke in any hospital, health care facility, child care centre or school attended by minors."

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr Allen:** Mr Chairman, may I ask whether you have made copies of my amendments at this point? The set I sent down to you was the only set of amendments I had.

**The Deputy Chairman:** Before proceeding with the next amendment, I ask: Shall section I stand as part of the bill?



Section 1 agreed to.

**The Deputy Chairman:** The next amendment, the member for Hamilton West.

**Mr Allen:** The next amendment that is in either package is that of the member for Carleton, adding subsection 1a to section 3. I think you have yourself a little out of order, if I might observe, for we were on section 2. We had completed section 1; I do not think you called a vote, though, on the complete section. We moved on then, I thought, to section 2 with an amendment which was for—Mine was for subsection 2(3).

**The Deputy Chairman:** Right. I have not called the question of section 2, because the vote on the amendment has been deferred. The next amendment I have is for section 3, and there are two of them at least. We can take the amendment of the member for Carleton first, as you suggest.

Section 3:

Mr Sterling moves that section 3 of the bill be amended by adding thereto the following subsection:

“(1a) A designated smoking area shall be an enclosed area set aside for smokers to use tobacco, which is clearly identified as such, does not include an area normally occupied by nonsmokers, and meets further criteria as are prescribed.”

**Mr Sterling:** This is the weakest of all the amendments put forward to try to have the government in some way define what a smoking area and a nonsmoking area are and that they should be separated in some fashion.

As members know, under this bill we have a situation whereby a person can sit at one desk in the workplace and have immediately adjacent to him at the next desk a smoking area, while his area might be a nonsmoking area. An imaginary line can be drawn between the desks and, therefore, the real protection for the nonsmoker is a fallacy.

This amendment says there must be a physical barrier between myself, the nonsmoker, and my workmate who is the smoker. It does not say there must be separate ventilation, but it hopes that in the future there may be separate ventilation for the two areas. We tried in the standing committee that there be separate ventilation in the two areas, but with the knowledge that this government is frightened to take any kind of leap at all, let alone a small step, I have offered this amendment as being the least possible acceptable to the health care groups that have come forward,

and I urge the government to accept this particular amendment.

I might also add that it not only provides for a physical barrier between two people who are divided between a smoking and a nonsmoking area, but also provides a guarantee for a nonsmoker to a nonsmoking workplace. Therefore, in one change in the legislation, we can really make Bill 194 a meaningful piece of legislation.

1630

**Mr Allen:** There is only one essential difference between the member for Carleton's motion and my own, which I had placed at a later point in this particular section, and that is that my motion does still include a requirement for separate external ventilation.

I think that in order to test the House, I will simply move an amendment to the amendment, if I might, which would take those words “shall be separately externally ventilated” and insert them after the words “normally occupied by nonsmokers” in the amendment that the member for Carleton has just offered, so that his amendment would read:

“A designated smoking area shall be an enclosed area set aside for smokers to use tobacco, which is clearly identified as such, does not include an area normally occupied by nonsmokers, shall be separately externally ventilated and meets further criteria as are prescribed.”

**The Deputy Chairman:** The member will have to put that in writing and send it to the table, please.

**Mr Sterling:** In the interests of time, while the member for Hamilton West is doing that, perhaps the minister could respond to the main motion at this time.

**Mrs Sullivan:** These amendments were quite thoroughly discussed in committee when I believe the same amendments were put forward, if I am correct. At that time we took a look at the bill as it is before us and looked particularly at the fundamental aspect of the bill, which is included in subsection 2(1), “No person shall smoke in an enclosed workplace,” and then looked from there at the kinds of requirements that would be surrounding the employer in terms of designating a working area.

There is an obligation on the employer to consult with the joint health and safety committee, with the health and safety representative, if any, before establishing a designated area for smoking. One of the things that became very

apparent and was very much a part of our discussion at that time related to the fact that there are about 233,000 workplaces in the province. They vary enormously in size, in scope, in scale, from the large automobile plant with enormous height and depth of space where ventilation is handled internally to a smaller, one-man office operation, in which case the requirements and the needs are quite different.

In our view, because of the nature of the numbers of workplaces, we believe that the impact on business would be substantial with the inclusion of this amendment. The fact that consultative process is included in the bill means that there will be a reasonable and flexible alternative available to employees. The stringent requirements that the member has put forward are indeed unnecessary.

For those reasons, we will not be supporting this amendment and the subsequent amendment to the amendment.

**Mr Allen:** I hope that is an acceptable way of entering that amendment, by simply indicating it on the amendment of the member for Carleton. It is an interesting byplay that we are into at the moment, inasmuch as the parliamentary assistant has already spoken to an amendment to an amendment that I have not spoken to myself. In any case, that is the nature of committee of the whole. It is a much more relaxed and informal and a happier situation than some others we find ourselves in.

I simply want to say that it is on precisely this special lack of this legislation that the bulk of the representations were made in the hearings. It was a concern that there was a certain absurdity about allowing smoking anywhere in an enclosed, singly ventilated workplace, regardless of whether you had walls or did not have walls; that eventually the diffusion of the environmental tobacco smoke in the workplace simply becomes uniform and diffused throughout, and that therefore all the persons, all the participants in that workforce, all of the workers in that workplace are similarly and, broadly speaking, equally impacted.

It is true, and I agree, that there are workplaces that it would be very difficult to convert early to meet the requirements of this legislation and this amendment. I would think that it would be possible for the ministry to devise regulations which would apply that requirement in such a way as to allow some grandfathering to establish implementation dates for requirements of this kind in all new buildings, regardless of whether they are sealed-air buildings or what they are,

that they be constructed at a certain date to meet the provincial standard which is now in place. But without that kind of a requirement in the legislation, there is going to be nothing in the regulations that will move in that direction at all.

My sense is that the wise course of action would be to put this in the legislation and then use the regulations to apply it in a realistic way. I think that is entirely workable, entirely manageable, and would meet the objectives of all the health groups that came before us, the entire labour movement, which came before us and made a representation to us through the Ontario Federation of Labour, and many of the business groups and those organizations that work on the whole problem of implementing smoke-free environments in workplaces.

**The Deputy Chairman:** Before we get any further difficulties, let me draw the attention of members to standing order 8(b), which indicates that either the minister or the parliamentary assistant in charge of a bill being considered by committee of the whole House may occupy a seat in the front row. The tradition around here has been that either the minister or the parliamentary assistant has carriage of the bill, but not both at the same time, so we might have that rectified.

Mr Allen moves that the amendment proposed by Mr Sterling to section 3 of the bill be amended by adding after the word "nonsmokers," the words "shall be separately externally ventilated."

Is there any further discussion on the amendment to the amendment?

**Mr Harris:** I wonder if I could just do two things. First, since there has been some speculation on the part of some members and some reports that the member is acting solely as the member for Carleton, I want to assure the House that he has the full support of his caucus and that we indeed, as a caucus, are very supportive of this amendment in particular.

**Ms Collins:** What caucus? Where's your caucus?

**Hon Mr Sorbara:** What section of the bill are you speaking to?

**Mr Sterling:** You don't even know what section we're on, Greg.

**Hon Mr Sorbara:** Yes I do, section 3.

**Mr Harris:** I noted the interjections from the minister and the parliamentary assistant over there, and I noted what you said, Mr Chairman, and I wanted to indicate that it probably does take both of them to come anywhere close to matching the member for Carleton. In view of the fact the minister really is talking through his hat, does not



understand this legislation, we do not object to the precedent of allowing the parliamentary assistant to try to assist him in some way.

**Hon Mr Sorbara:** I am glad to hear that the Progressive Conservative caucus, sparse as it is right now in these last hours of this session of this Parliament, has finally come to take a position on this bill. It is interesting that we have not heard about that position before.

I am not sure whether this is a changing of minds, but I have had no problem at all with, in my own mind, accepting the fact that the member for Carleton was speaking on behalf of his caucus. I am not sure why my friend the member for Nipissing raises it at this late date. He has done an admirable job carrying this bill through very lengthy sittings of the standing committee on social development and now through committee of the whole.

1640

Just to your ruling, Mr Chairman, we will obviously defer to whatever your judgement is in this matter. I would just say that I plan on being here for as much of this debate in committee of the whole as possible. When I am not here, I am sure you, as chairman, will allow the matter to be carried by my parliamentary assistant who has done a very capable job of the consideration of this bill through the many hours it has been before Parliament.

**Mr Laughren:** Mr Chairman, I appreciated your intervention in what I regarded as a ruling that the two—

**Hon Mr Sorbara:** We are a team.

**Mr Laughren:** If they are a team, I appreciate the fact that they might from time to time need to give one another mutual comfort, but I do not believe it needs both of them to guide this bill, considering the fact that the minister has such incredibly competent people in front of him who can help him, whoever is in the chair. I do think it is a bit much to have the minister and his parliamentary assistant both there dealing with clause-by-clause. I do not think it is appropriate and I certainly concur with the chairman's ruling.

**Mr Sterling:** I guess the concern that I have, as well as the health care groups who are here today watching this debate, is the cavalier attitude of this minister towards this piece of legislation. While we are discussing the most important amendment to this bill, he is across the floor talking to a member of the opposition, not listening to the debate of the members in considering the amendment to Bill 194.

Neither the minister nor his parliamentary assistant was present when these public groups came to the standing committee on social development to make their submissions. We have not had a hearing on Bill 194 yet. I had hoped that by bringing attention and focus on this issue, the minister would pay respect to the Legislative Assembly in what he was doing this afternoon. I have not seen evidence of it yet. He stands up and makes specious arguments about why he cannot accept amendments. His arguments lack logic. They are flawed and he does not even have the time or the respect when the member for Hamilton West is making his argument, two rows behind him, to go over to his seat and listen to the argument and maybe change his mind. What the hell do we have this process for?

**The Deputy Chairman:** Could I get you to centre in on the amendment to the amendment?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Five or more having risen in their seats, a division is required, and divisions are agreed to be deferred until all discussion on the bill is concluded. We will therefore have to stack not only the amendment to the amendment, but the amendment to section 3 itself, as well as section 3.

Do I take it from the member for Hamilton West that his amendment to section 3 then is withdrawn and that he is standing with his amendment to the amendment?

**Mr Allen:** Yes, that is correct, Mr Chairman.

Vote stacked.

**The Deputy Chairman:** The next item is section 4. Shall section 4 stand as part of the bill?

**Mr Sterling:** Mr Chairman, prior to that, I had a series of amendments dealing with another part of section 3. Can we not deal with those? They are not contingent on the prior part.

**The Deputy Chairman:** You have numbered these on the yellow sheets that I have. Are you referring to amendments 2, 3, 4 and 5 by your numbering system?

**Mr Sterling:** Yes. It was my intention to put one of those forward.

**The Deputy Chairman:** May I ask then, are you intending to move the others or withdraw the others?

**Mr Sterling:** I will withdraw the others.

**The Deputy Chairman:** Which ones do you—

**Mr Sterling:** I am going to move amendment 2 as designated.

**The Deputy Chairman:** We can deal with that now, provided it is not dependent on the other amendment. This is to add a further new subsection.

**Mr Sterling:** Actually, it probably is subject to the member for Hamilton West's subsection 2, to the vote that is taken at that time.

**The Deputy Chairman:** Can I take it then that we will defer that amendment—

**Mr Sterling:** Yes, until after we vote on his amendment.

**The Deputy Chairman:** A stacked vote on the amendment to the amendment of your previous motion. You are withdrawing 3, 4 and 5?

**Mr Sterling:** Yes. I may withdraw 2 as well, if the member for Hamilton West's amendment on section 2 carries.

**The Deputy Chairman:** We can deal with that later.

**Mr Sterling:** I have an amendment to subsection 3(3).

**The Deputy Chairman:** Mr Sterling moves that subsection 3(3) be amended by adding after the words "shall consult with the" in the first line, the word "employees."

**Mr Sterling:** Under this present legislation an employer is required to "consult with the joint health and safety committee or the health and safety representative, if any, at the workplace before establishing a designated smoking area."

If neither of these bodies or persons exists, there is no requirement in the legislation for the employer to consult with the employees. I just wanted to add "employees." In terms of the grammatical sense I believe there would be a comma added after that in the legislation. That, therefore, would provide in each and every workplace, no matter how small, the opportunity for employees to be consulted with regard to controlling smoking in the workplace.

1650

**Hon Mr Sorbara:** I go back to the comments I made earlier on, about how this bill will work in practice. I should perhaps put on the record a few comments about why we have chosen the vehicle for consultation that we have chosen; that is, the joint health and safety committee or the health and safety representative.

It has a specific purpose. That purpose is that the committee or the health and safety representative is specifically schooled in the very areas my friend from Carleton is concerned about; that

is, the health and safety of the workforce within that workplace. In fact, in large workplaces, often the health and safety committee spends virtually its full time on those sorts of matters.

Very large workplaces have representatives of the workforce who do nothing else but see to these matters. In the smaller workplaces, of between five and 20 employees, there is a health and safety representative chosen by the workers, so that worker in that capacity has a special interest and a special mandate from the workers in that place of business to carry the concerns of employees to the employer in working out just these very matters.

I am disappointed that my friend the member for Carleton does not realize or acknowledge that. I understand why he would want "employees" brought in there in this amendment. I think part of it is because he would prefer a system, like the city of Toronto has in its bylaw, where one employee can raise the issue and it must be responded to.

Frankly, the years and years of experience within the Ministry of Labour in the regulation of these sorts of standards within the workplace convince us that it is through the mechanism of the joint health and safety committee that these matters are best consulted and best resolved. So we will not be supporting the amendment.

**Mr Sterling:** Can I just ask the minister what happens if there is not a health and safety committee or a health and safety representative?

**Hon Mr Sorbara:** I think that as well is contemplated in the bill in practical terms. We are then getting down to such a small workplace, a workplace with under five employees, that for all practical purposes one would not see a designation in that sort of workplace, because, again, we are talking about 25 per cent of the enclosed workplace. I think, as a practical matter, it is not a concern.

**Mr Allen:** Notwithstanding the correctness of everything the minister has said, we had it borne in upon us very strongly in the course of our hearings that this can be a very contentious issue in the workplace and that those agencies which have worked with workplaces attempting to institute smoking policies have found that broad consultation among the employees is really critically important to maintaining the peace and wellbeing of a workplace as it goes through this transition.

I really wonder, notwithstanding the importance of working in and through the joint health and safety committee and notwithstanding the importance of the status of the health and safety



representative, whether this does not call for some requirement for broader consultation to see that in fact this happens the way we want to see it happen. Therefore, I support the proposed amendment the member has made.

**The Deputy Chairman:** Can I put the question?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The Deputy Chairman:** Mr Sterling moves that the bill be amended by adding thereto the following section:

"3a. For buildings or parts of buildings, the construction of which commenced on or after 1 January 1992, designated smoking areas must be independently ventilated to the outside in accordance with the specifications prescribed."

**Mr Sterling:** Much of the concern over bringing in restrictions to smoking in the workplace has centred on the cost to employers and to the construction of workplaces. This amendment brings into line a similar amendment which was introduced in the federal Parliament dealing with federal workplaces. They provided in their legislation a provision similar to this, that after a certain date in the future, any designated smoking areas must be ventilated to the outside.

What it means, if this amendment were accepted, is that building owners and developers who were building office buildings would take the separate caution, if you want to put it that way, of building areas where smokers could go, and these would be separately ventilated to the exterior. I think it would be prudent to put this in, notwithstanding any of the other part of the bill. It would at least set the stage for another government to take more progressive action.

**Hon Mr Sorbara:** I do not want to comment at any length on the federal legislation. What we saw at the federal level is a government which passed a bill sponsored by a private member during the last Parliament, and we see a government now that says, "Oh, well, it wasn't practical at all and we have to bring in a whole bunch of amendments."

The difference here in Ontario is that we have a bill that is practical, that is workable, that one would expect is going to be passed and actually implemented, rather than the kind of politicking that is going on at the federal level.

But let me just say a word or two about the practicality of the amendment proposed by my friend from Carleton. Although on the surface it

looks like a good idea, practically speaking it really would create the most difficult and absurd implications in the kind of buildings we build in this province, in this nation, in this part of the century.

Let me give you an example of an office tower that is some 40 storeys when it is built. It is rented out to a variety of different businesses. There are a variety of different employers. Those employers grow and expand and they take over more of the floor, and then they leave. A new tenant comes in and has a different arrangement on that floor space. It is just completely impractical to think that, on a business-per-business basis, from employer to employer, we could build buildings that would comply with these sorts of specifications.

More and more we are finding, in those sorts of facilities, that the smoking areas are not within the building at all, just as we have done in the government of Ontario. One would expect that practically speaking, under Bill 194, once implemented, we would see that there would be no areas designated, so this sort of amendment would not be needed anyway. In terms of what he is suggesting for the building industry, I think his amendment is absolutely impractical, and we will not be supporting it.

**Mr Sterling:** We create condominiums in this province on a day-to-day basis. We have office condominiums. We have residential condominiums. We have industrial condominiums. When we create a condominium corporation in this province, we set up certain parts of the building which are to be used exclusively by the owner, or the tenant from the owner, and we create other parts of the building which are to be used in common.

We are now creating in some condominiums very progressive things like day care centres, where all of the people who are in the building must contribute to those particular areas. Does it stretch the minister's imagination to think that an arrangement can be made in law or by contract which, in effect, shares the designated smoking area which would be separately ventilated to the outside?

## 1700

Obviously in the amended bill, Bill C-27 of the federal Parliament, they have included this section. Despite the minister's protestations about how Bill C-27 was reached, I would rather have Bill C-27 than Bill 194 any day of the week. I do not understand the resistance of the minister to this particular section.

**Mr Allen:** When this question came up in the committee, the debate focused upon existing sealed-air buildings, which of course are ventilated as a unit and are very difficult at this point to adapt for externally ventilated smoking areas. This, of course, is why I made the comment earlier that regulations would have to be developed to apply my earlier amendment, and this would be one form such a regulation might take. I certainly support this as a part of the bill none the less.

The notion that it is impossible for our engineers to construct buildings in such a way that they have a capacity on each floor for a significant and useful smoking area with external ventilation that would be available to the occupiers of that floor is really quite a stunning proposition. I can see the problem of adapting some existing structures, but surely it is not beyond the bounds of heating and ventilation or structural engineers to devise that kind of arrangement.

Regardless of the fact of who comes in and out of those floors, there are going to be people there. Unless the buildings are massively overhauled, they are presumably going to be used as workplaces and not as residences. They will therefore have a need, under some legislation of any kind of rigour, to have designated smoking areas. If they are to be designated smoking areas that mean anything in the future, even if this bill does not end up providing for them, then they are going to have to be externally ventilated. I do not see that there is an option on that.

If the minister is saying that all designated smoking areas for the Bank of Nova Scotia tower are going to have to be outside the building, that is well and good for me, as long as he passes legislation which says there is going to be no smoking in that building and that that designated area is going to have to be somewhere else, in some little specially constructed shack out in the plaza. That is okay; I do not have any problem with that, but I do not see that in this legislation. I do not see anything that provides for it or anything that points towards it.

All I see is that there is an opportunity in this legislation for any employer inhabiting any part of any of those buildings to say: "Twenty-five per cent of this floor space is a designated smoking area. Forget it, boys, that's all that's going to be laid on you." I do not see anything the minister, the parliamentary assistant or any members from the government said in the hearing as telling us any different.

Just as we have building standards for all kinds of things that were not imaginable in the last century that would be required of builders, it seems to me entirely reasonable for the member for Carleton to move a motion that would require that we lay this on builders and developers, as well as a criteria for future building construction as of this particular date. I think it is entirely reasonable.

The minister has an argument that perhaps because certain plans are already afoot and they cannot be implemented by that date—Well, let him suggest another date, but I do not see the problem with dating that kind of requirement.

**The Chairman:** Any other comments? Are we ready to vote? Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 4 agreed to.

Section 5:

**The Chairman:** Mr Sterling moves that section 5 of the bill be amended by adding thereto the following subsection:

"(1a) An employer shall publish and, upon the request of an inspector or employee, provide a floor plan showing the designated smoking areas for a workplace."

**Mr Sterling:** Under this bill there is no provision, weak as the bill may be, for the employer to provide information to an employee showing where the smoking and nonsmoking areas might be. Therefore, we have a situation where an employer can claim one day that a smoking area is here and the next day it may not be there. All this does is provide an employee with the right to information as to where the smoking and nonsmoking areas are located.

**Hon Mr Sorbara:** I just point to the fact that subsection 4(1) of the bill states—and we have just carried that section in this committee—that "an employer shall post and keep posted such signs as may be prescribed respecting smoking in a workplace." Subsection 4(2) says, "An employer shall post signs that identify designated smoking areas in a workplace." In my own view and in the government's view, those are conclusive of the matter and deal with the problems raised by my friend from Carleton in his amendments to section 5.

**Mr Sterling:** The minister has legislation which permits employees to get information as to



what dangerous substances they are working with in the workplace. Why would he not provide an employee with a floor plan, if he requested it, showing where smoking and nonsmoking areas might be. In a large room with desks, if there is a sign on the wall at one end which says, "This is a smoking area," and on the other end that it is a nonsmoking area, how do you know where the smoking area begins and where it ends? I do not understand the minister's resistance to telling employees what their rights are under this bill.

**Hon Mr Sorbara:** My friend from Carleton really goes from the sublime to the ridiculous. I just want to illustrate by way of an example. In Metropolitan Toronto for the past number of years we have had bylaws requiring restaurants to identify and have areas for nonsmokers and, if they wish, areas for smokers. That has worked marvellously well for the dining-out public, without there being published floor plans and designations and all of that stuff. I have no idea why in this matter, under this bill, my friend from Carleton thinks so poorly of the employer community that it is going on a daily basis to rotate smoking areas and move around signs and avoid the order of inspectors.

This bill is subject to the powers of inspection by inspectors under the Occupational Health and Safety Act. There are provisions in it requiring designation; there are powers of enforcement that will reside as well, or at least parenthetically, with joint health and safety committees. Surely to God he can understand that this kind of framework is not going to lead to the kinds of problems he imagines, as we work this bill through the last stages of committee of the whole.

**Mr Sterling:** I differentiate between going into a restaurant for a meal and making the decision whether or not I stay there for dinner, and having to go to work each day and defining what my rights are in my day-to-day work situation.

**1710**

I find it absolutely amazing that under this legislation, in section 6, an inspector has the right to that information. Why does an employee calling the inspector have to take the time of the Minister of Labour, get the inspector in, get a confrontation going—why do we not just provide the employee with a drawing and show him where it is or where it is not?

I do not understand the minister's argument at all. The minister's argument is about the good employer. We are not talking about the good employer. Legislation is not for good employers,

good unions or whatever. It is for people who do not—they cannot stand what this minister is doing to this bill, that is the problem, Mr Elston.

**Hon Mr Sorbara:** I will introduce today—I mean, after all, the member is on camera, so—

**Mr Sterling:** I do not understand the minister's reluctance. Why can an employee not ask to find out whether his desk is in the area? He has to call the minister's inspector in to get that information. Does that make sense to him?

**Mr Allen:** I just want to say that I too just do not understand the minister's reasoning. Of course, a reasonable employer will act in a reasonable way, and an employer who wishes to preserve the peace of his workplace will obviously want to designate very clearly where these smoking and nonsmoking areas reside and the boundaries between them. At the same time, as my colleague the member for Carleton says, legislation is not for the well disposed, the intelligent and the people who are going to do everything exactly the right way in advance and where no problems arise.

The simple requirement of asking that an employer at least post a plan, so that everyone in the workplace will know where the boundaries are and whether he is in or out of the designated smoking area, surely is a way of managing the workplace in a very sensible fashion. The human relations and the human conflicts that are generated in workplaces in transition where smoking policies are being applied surely need that degree of regulation in order to keep things in order. Everybody will know where they stand; whether they are in or out; whether George, who I like to work with, is in or out; whether I want my desk or workstation there, and so on.

Some employers, in relatively small places, are obviously going to be under a lot of pressure from individual workers to shift about their location and so on, in order to provide them with what they consider to be their best option under the smoking policy—whatever it is. It just seems to make sense to require in the legislation that the simple fact of a floor plan be provided to those workers.

**The Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The Chairman:** I have two requests to amend subsection 5(2).

**Mr Allen:** If I can explain, what I have done on this amendment is to incorporate a housekeeping item at the beginning which is not really necessary, so we can simply stroke that and ignore it. It refers to the possible passage of subsection 2(3), that would have required that all hospitals, health care facilities, child care centres and schools for minors would be passed and be lodged under section 2. So, I will not move that part of this, but I will move the rest of what is on that page.

Mr Allen moves that section 5 be amended by adding a new subsection (2), which will read as follows:

"(2) The employer shall, after consulting with the employees, arrange a smoking cessation program for each employee who desires such a program, the cost of which will be borne equally by the employer and the government."

**The Chairman:** Would the member have a clean sheet of that new proposal that he has?

**Mr Allen:** This is the only one I have.

**The Chairman:** I agree with my friends. This is out of order because of standing order 15. If I remember well, a motion cannot call for an expenditure from the government.

**Mr Allen:** In that case I will alter it by excising the word "equally" and the last words "and the government."

**The Chairman:** Fair enough. So may I read again the motion?

Mr Allen moves to amend section 5 so that a new subsection (2) is added:

"(2) The employer shall, after consulting with the employees, arrange a smoking cessation program for each employee who desires such a program, the cost of which will be borne by the employer."

**Mr Allen:** I realize that order is in place and that I really am not permitted to do that. But I did want to write it that way in the first instance simply to call attention to the fact that this is a piece of legislation that is being laid on the lifestyles of working people by a government in the first instance, secondarily by employers. Notwithstanding the fact that it is, in my point of view, for their own good and that they should all willingly accept it, there will none the less be concerns about the pressure that will place upon them.

Also many of those working people will have that pressure placed upon them as individuals who will find it very difficult to cope with the abandonment of a smoking habit. I think we have to take that seriously and take seriously at the

same time the fact that they are being put in this position at this point in their lives by a government and by an employer. That was why I felt that in all honesty the government really ought, from its point of view, to have accepted the responsibility of paying for part of any smoking cessation programs that those workers might be involved in.

I none the less believe, even though it was argued that this might be a costly item to employers, that it is an obligation of the employer and one that in the long run might not be nearly as expensive as the employer might think. I will argue as follows: First of all, in most cases where smoking cessation programs have been offered and where there have been smoking policies instituted in workplaces, there has been a much smaller takeup and need to take up the smoking cessation programs than had been anticipated.

Secondly, there are in fact certain cost benefits to an employer for his employees not to smoke. Environmental tobacco smoke has not only an environmental impact on individuals; it has an impact upon buildings, upon furnishings, upon decorations, upon machinery, electronic and otherwise, and there is a major cost saving over the long run for most employers in having a smoke-free environment.

Therefore, it seems to me that for the two reasons that I have given, such programs should be required. They are an obligation placed upon the worker at a time in his life, as I said, when he was not expecting to have to cope with this crisis at this particular moment and he should be assisted with it. I would, therefore, make this motion and hope that the minister would be prepared to accept it.

**The Chairman:** Before we go any further, could I bring to your attention that this subsection that you would like to add is actually a third one, a new subsection, is it not?

**Mr Allen:** Mr Chairman, if we begin adding subsections to section 5 we will have to number the first part there as subsection 1. I was proposing this as a subsection 2 that would follow immediately. The member for Carleton has, I believe, some other proposals in this area and I have a couple as well. How perhaps these all will be woven together ultimately in terms of a sequence, if any of them pass, is perhaps a drafting problem that can be left until later.

**The Chairman:** So this is a totally new subsection, independent of what is already there?

**Mr Allen:** This is a whole new subsection in



section 5, independent of what is there at the present time.

**The Chairman:** And you do not care exactly where it fits in?

**Mr Allen:** No, I am not particular, but I think it is a fairly important obligation and should rank fairly high in the sequence.

**The Chairman:** Fair enough. So for the purpose of discussion we will call it subsection 3, if you do not mind. Fair enough?

**Mr Allen:** Fair enough.

**Hon Mr Sorbara:** Just to respond to the comments of the member for Hamilton West, listening to him, I think there is a faint bit of hope, not that the section will pass but that he is acknowledging that the passage of Bill 194 will have a dramatic impact on the numbers of people who are smoking in workplaces. I think the fact that he puts this section in and suggests that because workers are going to be affected they should have smoking cessation programs gives me some sort of hope that he will be celebrating, ultimately, the passage of the bill.

It is classically New Democratic Party rhetoric to say the worker should have something and the employer should pay for it. Surely to goodness under this sort of bill the workplace parties themselves can work out whether there is going to be a smoking cessation program and who is going to pay for it. Surely to God the member would not want to put that burden automatically on the employer.

What about the worker who does not smoke at work but smokes at home and pollutes his house? That is where the real problem is, by the way, in terms of environmental tobacco smoke. The biggest problem is in the private home. Surely to goodness he is not saying that worker has an automatic right to call on his employer to provide a smoking cessation program. I know where the member is coming from and I am glad he acknowledges in here that people will be quitting smoking as a result of Bill 194, but we are not prepared to support the amendment.

**The Chairman:** Any other comments? Are we ready to vote?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr Sterling:** I have an amendment adding a subsection to section 5.

**The Chairman:** Before you get to subsection 3, I have something here that talks about deleting

some words to subsection 2. I would like to deal with subsection 2 before—

**Mr Sterling:** Yes, I will put that amendment forward.

**The Chairman:** Mr Sterling moved that subsection 5(2) be amended by deleting the words "make every reasonable effort to" in the first line.

**Mr Sterling:** The way the subsection would read if those words were deleted would be, "An employer shall accommodate employees who request that they work in a place separate from a designated smoking area." I take out the words "make every reasonable effort to" accommodate the employees; I just say that the employer must do that.

**Hon Mr Sorbara:** This is one of the sections that was amended in the standing committee on social development and I think the committee approved the wording that is in the bill now. The member's desire to go beyond that and put an absolute obligation in every instance to accommodate in the way he would suggest is simply not practical and I am not prepared to support it.

**Mr Sterling:** The minister is not willing to support the right of a nonsmoker to a nonsmoking workplace; is that correct?

**Hon Mr Sorbara:** I am willing to move expeditiously to have this bill passed and have a provision like subsection 5(2) in the law, which requires that reasonable efforts be made.

The difference in this debate between my friend the member for Carleton and I is that we are trying to pass reasonable, workable legislation that will make a very significant, important difference and we are the only jurisdiction thus far in Canada that has done this. What my friend from Carleton insists on doing is trying to create such an unreasonable piece of legislation that it just is not practical or reasonable to pass it.

I encourage my friend to look at the word "reasonable" in this section, look at the word "effort" in this section, and understand that what we are doing is using the same sort of approach that we do in a variety of other statutes, saying that efforts have to be made to accommodate and the employer has to act reasonably. That is the whole theme of the bill and that is why we are going to pass it.

**Mr Sterling:** I just do not think it is reasonable to bring in a piece of legislation which gives no right to a nonsmoking employee to work in a nonsmoking environment. The minister can talk about reasonable. This bill may be reasonable for smokers, and I think that is the sum total of what

this legislation is all about. It is reasonable for smokers because, in effect, as some health care groups said this morning, this is a smokers' protection act.

It has nothing to do with nonsmokers, and it is not reasonable, in my opinion, to ask a non-smoker to have to work in an environment and breathe somebody else's smoke all day. That is not reasonable with me. The minister said it is with him. It is not reasonable to me.

**The Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The Chairman:** I have two requests to add another subsection.

**Mr Allen:** Looking at the amendments that are coming ahead, this is perhaps a general one that, if it does not pass, might well be appropriately followed by the amendments the member for Carleton is proposing with regard to specific employees.

I will read it first and explain later.

**The Chairman:** Mr Allen moves that section 5 be amended by striking subsection 2 and adding thereto:

"(4) An employer shall ensure that non-smoking employees who so request work in a place separate from a designated smoking area."

What you are doing is adding a whole new subsection, no matter what the number is.

**Mr Allen:** Yes, in effect that is the case, although I think perhaps the bill that you may be working from, Mr Chairman, and that certainly I am working from does not include amendments that were passed in committee. I believe there was an amendment to this section passed in committee which proposed that an employer should make an effort—I have forgotten the language—to see that nonsmoking employees were accommodated as designated smoking areas were put in place. But there was no clear requirement. Does the minister have that language over there?

1730

**Hon Mr Sorbara:** That is the section I just read out in the amended bill, the bill that came out of committee. It reads as follows: "An employer shall make every reasonable effort to accommodate employees who request that they work in a place separate from a designated

smoking area." That is the section we just discussed under Mr Sterling's amendment.

**Mr Allen:** I am sorry. I was reading the original bill, and I took the "every reasonable effort" language to be from the original bill. In that case, my amendment has already been dealt with.

**The Chairman:** I still have at least two requests to add a new subsection. As a matter of fact, I have two requests from the member for Hamilton West and two requests from the member for Carleton to move a new subsection to section 5. Is that correct?

Mr Sterling moves that section 5 of the bill be amended by adding thereto the following subsection:

"(3) An employer shall, upon request, provide a pregnant employee with a place to work within the workplace that is smoke-free."

**Mr Sterling:** We have attempted, through the committee hearings we held in March and April, to provide each and every employee with the right to a nonsmoking work area. All of those attempts during the standing committee hearings and today have gone for naught.

Under this legislation an employee does not have the right to demand of his employer a smoke-free workplace. We have significant evidence that shows there are extremely harmful effects to an unborn foetus from secondhand smoke.

My amendment, which is a last-ditch effort in trying to protect at least the unborn from the hazards of secondhand smoke, is to put at least a very tiny obligation on an employer who is approached by a woman who is pregnant to provide her with a smoke-free area. I find it would be absolutely impossible for the minister to reject such a suggestion or amendment.

**Hon Mr Sorbara:** I believe the issue my friend raises is dealt with in subsection 5(2).

**Mr Sterling:** Would the minister elaborate? I do not know how it is dealt with in subsection 5(2). All it says in that area is that the employer must make a reasonable effort. What if he says it is not reasonable to provide for the pregnant woman? Is she expected, then, to work in an environment where there is secondhand smoke? Is that what the minister is telling me and the people of Ontario?

**Hon Mr Sorbara:** Once again I tell my friend from Carleton that subsection 5(2) is designed to deal with those very sorts of particular situations, as well as more general ones. I would expect that a woman who is carrying a child, or anyone who



is allergic to smoke or who is terribly sensitive or whatever, can rely upon the provisions of subsection 5(2) and make the request. There is an obligation on the employer to make every reasonable effort to accommodate.

I remind my friend from Carleton that under this law, there can be no area greater than 25 per cent of the enclosed workplace where smoking is permitted. I remind my friend that under this law, by and large, we expect that employers will eliminate entirely. It is eminently reasonable to think that it will be easy or relatively easy to accommodate not only the woman who is carrying a child but other individuals who are perhaps supersensitive. I simply redirect my friend's attention to subsection 5(2).

**Mr Sterling:** I find it absolutely amazing that the minister responsible for women's issues is standing in his place saying to the Legislature today that if a pregnant woman comes forward and the employer says, "It's not reasonable for me to provide a smoke-free environment," he is going to force that woman and the unborn foetus into a situation where there is evidence now that that unborn child will be harmed by that secondhand smoke.

Could the minister tell me, under subsection 5(2), what that woman does if the employer says to her, "It's not reasonable for me to provide you, Mrs X, with a nonsmoking area"? Where does she go? How does she get it remedied? What are her rights?

**Mr Allen:** I wholeheartedly endorse the position the member for Carleton has taken on this question. It is part of the central illogic of the bill that drives the minister to be denying an absolute requirement for the protection of a pregnant woman in the workplace from environmental tobacco smoke.

The whole proposition that somehow a workplace where the designated smoking areas are part of the enclosed working area and are not separately ventilated puts all of us in a very difficult position vis-à-vis defining anybody's health and wellbeing in future workplaces under this legislation; most of all, those who are most vulnerable, such as pregnant women and the foetuses they carry.

The illogic has been repeated and repeated and repeated by the member for Carleton and myself and the critics of this legislation, because you cannot provide for that degree of freedom from environmental tobacco smoke required to assure the health and wellbeing of workers as long as the designated working areas have only to meet the minimum requirements the minister has laid

down. Within those minimum requirements, he is not even requiring an employer to make more than a reasonable effort with respect to the most vulnerable of the workers in the workforce.

Surely, if one is tackling this legislation from the point of view of the nonsmoker and the wellbeing and welfare of the nonsmoker and his or her rights vis-à-vis a workplace, there has to be something more in this legislation at this point in time with respect, at the very least, to those women in the workforce who are carrying foetuses.

It surely is not enough just to say that an employer must make a reasonable effort. After all, the right that is there must surely take precedence over the reasonableness of an employer insisting that that worker has to stay within the designated smoking area, even though that employee not only vociferously objects to that smoking environment but knows very well, as I read earlier, that the impacts for a pregnancy are going to be the possibilities of miscarriage, still birth, lower foetal birth weight and growth retardation, as demonstrated consequences of the imbibing of environmental tobacco smoke.

**1740**

**Mr Sterling:** Dr Michael Goodyear is in the gallery today. He is an assistant professor of medicine at the Hamilton Regional Cancer Centre at McMaster University. I read from a document he gave me this morning:

"Two major US government reports released this year have shown that all workers exposed to tobacco smoke develop chemical changes in their bodies similar to those found in smokers, which are associated with mutations to the cellular genetic material and cancer.

"Recent research has shown alarming evidence of similar effects on the tissues of the foetus and an increased cancer incidence in children of mothers exposed to tobacco smoke during pregnancy."

If the minister cannot accept this particular amendment, which is very minor in terms of the overall effect it might have on the employers of Ontario, I say there is no hope for the nonsmoker working in Ontario for any kind of progressive legislation coming from him as the Minister of Labour.

I do not understand how he could say to a mother carrying a child who is going to come to him and say, "My employer has denied me a nonsmoking area"—I want him to answer me today, before we leave: What action can she take under the bill? Where does she go? How does she get paid the next payday? She has no rights under

this piece of legislation to a nonsmoking area. Where does she go?

**Hon Mr Sorbara:** Just let me point out for I think the fourth time the statutory obligation to reasonably accommodate. The answer to where she goes is under the bill, to enforce her rights for reasonable accommodation under the statute. Those words are not, as the member would suggest, simply devoid of meaning. Those are words that we have incorporated into the Human Rights Code in this province. "Reasonable accommodation" is a legal term we are familiar with, and there is a statutory obligation to reasonably accommodate.

I simply do not accept the notion that whereas all of the world needs to be reasonably accommodated, we need to put the absolute right to a smoke-free workplace of the woman who is pregnant, the woman who is with child. The fact is that under the charter of this great country, it may be that we are violating the rights of other individuals who happen to be supersensitive.

I tell my friend for the final time that the "reasonable accommodation" provisions in subsection 5(2) of the bill respond conclusively to the problems of that very person he has talked about. For him to suggest that I care not about that sort of situation is simply offensive.

**Mr Sterling:** Why, then, does the minister not produce the absolute right? What is the problem with producing the absolute right? Why does the pregnant woman have to make her case? Why is she not given that right as a right? Why does she not have an absolute right? What is the minister's objection to giving her an absolute right? The minister does not agree with giving her the absolute right; is that correct?

**Hon Mr Sorbara:** I have no further comment.

**Mr Sterling:** Does the minister agree with giving her an absolute right to a smoke-free workplace?

**Hon Mr Sorbara:** I have no further comments on this section of the bill or the member's amendment.

**Mr Sterling:** In other words, the minister is frightened to answer the question. Is that right? I have to shame him into it?

Interjections.

**Hon Mr Sorbara:** It's too hot, Norm, honestly.

**Mr Sterling:** I know it is hot, too. Is the minister unwilling to give a pregnant woman the absolute right to a smoke-free workplace? Is that what he is telling us?

**Mr Allen:** We have reached a truly astonishing state of affairs. If one were to take this question in its larger aspect, not just simply with reference to pregnant women, and if one were to compare some other carcinogens in the workplace and some other chemical presences that are defined under other legislation that are not as carcinogenic as environmental tobacco smoke and its components can be, the minister would be required to take much more drastic action than he is taking under this piece of legislation, and he knows that very well.

I think it is rather odd that he is not prepared to be somewhat more rigorous than he is this afternoon. Particularly with respect to the insistence of the member for Carleton and certainly my insistence that this legislation, at the very minimum, knowing the impact that environmental tobacco smoke has upon foetal development, I find it truly astonishing that he would be unwilling to at least name that particular exception as the one case where he would state that there must be an accommodation of that woman in the workplace.

**The Chairman:** Mr Sterling moves that section 5 of the bill be amended by adding thereto the following subsection:

"(3) An employer shall, upon request, provide a pregnant employee with a place to work within the workplace that is smoke-free."

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**The Chairman:** The member for Carleton has an amendment that is similar also. What is he doing with that similar amendment?

**Mr Sterling:** I am not going to put that one forward.

**The Chairman:** I still have two of the member for Hamilton West's amendments to section 5.

**Mr Allen:** There is one that is relevant, Mr Chairman, and I will waive that amendment.

**The Chairman:** I have a list of two of the amendments to section 5 that the member wanted to make.

**Mr Allen:** Of the series that I sent you, Mr Chairman, I believe one was an approximation of another one of the member for Carleton. So I have just assumed that does not apply. Then we are left with the section 5 that I planned to add, but I will, under the circumstances, withdraw that.



Sections 6 to 12, inclusive, agreed to.

Section 13:

**Mr Sterling:** I am not going to introduce that amendment.

Sections 13 and 14 agreed to.

Call in the members for the division vote.

**1758**

**The Chairman:** Order. Please take your seats. We have a series of proposed amendments.

Mr Allen moves to amend section 2 by adding thereto a new subsection.

**Mr Sterling:** Read it.

**The Chairman:** "(3) Notwithstanding anything in subsection (2), no person shall smoke in any hospital, health care facility, child care centre or school attended by minors."

The committee divided on Mr Allen's amendment to section 2, which was negated on the following vote:

Ayes 9; nays 49.

The committee divided on whether section 2 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 2 agreed to.

Section 3:

**The Chairman:** The next proposed amendment is Mr Allen's motion to amend the above amendment, which was an amendment to section 3 by Mr Sterling, by adding after the word "nonsmokers," the words "shall be separately externally ventilated."

The committee divided on Mr Allen's amendment, which was negated on the following vote:

Ayes 9; nays 49.

**The Chairman:** Therefore, we move back to Mr Sterling's proposed amendment to section 3. Mr Sterling moves that section 3 of the bill be amended by adding thereto the following subsection:

"(1a) A designated smoking area shall be an enclosed area set aside for smokers to use tobacco, which is clearly identified as such, does not include an area normally occupied by nonsmokers, and meets further criteria as are prescribed."

The committee divided on Mr Sterling's amendment, which was negated on the same vote.

**Mr Sterling:** Mr Chairman, before we proceed is it possible to have a recorded vote on the next one?

**The Chairman:** Not in committee.

**Mr Sterling:** When we are in a standing committee we can have a recorded vote.

**The Chairman:** Not in committee of the whole House, I am sorry.

We have another proposed amendment to section 3. Mr Sterling moves that section 3 be amended by adding thereto the following subsection:

"Despite subsection (1), no employer shall designate a smoking area in a day care centre or nursery school."

The committee divided on Mr Sterling's amendment to section 3, which was negated on the same vote.

The committee divided on whether section 3 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 3 agreed to.

Section 5:

**The Chairman:** The last proposed amendment to section 5:

Mr Sterling moves that section 5 of the bill be amended by adding thereto the following subsection:

"An employer shall, upon request, provide a pregnant employee with a place to work within the workplace that is smoke-free."

The committee divided on Mr Sterling's amendment, which was negated on the following vote:

Ayes 9; nays 49.

The committee divided on whether section 5 should stand as part of the bill, which was agreed to on the same vote reversed.

Section 5 agreed to.

Bill ordered to be reported.

On motion by Mr Conway, the committee of the whole House reported one bill without amendment and one bill with certain amendments.

À la suite d'une motion présentée par M. Conway, le comité plénier de la Chambre fait rapport d'un projet de loi sans amendement et un projet de loi avec certains amendements.

### THIRD READING

### TROISIÈME LECTURE

The following bill was given third reading on motion:

La motion de troisième lecture du projet de loi suivant est adoptée:

Bill 93, An Act to revise the Justices of the Peace Act.

Projet de loi 93, Loi portant révision de la Loi sur les juges de paix.

#### SMOKING IN THE WORKPLACE ACT, 1989

Mr Sorbara moved third reading of Bill 194, An Act to restrict Smoking in Workplaces.

**Mr Sterling:** I could not, even at this late hour, let Bill 194 go into history as legislation without saying that I am extremely disappointed in the reaction of the Minister of Labour (Mr Sorbara) to what I thought was a lot of hard work on behalf of the members of the New Democratic Party by the member for Hamilton West (Mr Allen) and other members of the standing committee on social development.

It is extremely hard, when I have been dealing with an issue for some three and a half years, to end it with an amendment which I put forward to section 5 of the bill to provide, at the very least, a guarantee for an unborn child to be unpolluted by secondhand smoke. I find it absolutely amazing that the Minister of Labour—

**Mr Jackson:** And the minister responsible for women's issues.

**Mr Sterling:** —could sit in his spot and repel such an amendment. He is also the minister responsible for women's issues. I find it amazing that we go through the legislative process, we try to—

**Ms Collins:** Go sit behind him.

**Mr Sterling:** The other members who want to talk now were afraid to talk when the amendments were put forward on this bill, because they could not enter into the debate and support the Minister of Labour. We did not have one Liberal backbencher speak during the committee of the whole House to come to the aid of the Minister of Labour. Many of them, I assume, were ashamed of his stances on some of the amendments that were put forward.

**Hon Mr Sorbara:** Let's debate the matter, not the man.

**Mr Sterling:** If the minister wants to stand behind the policies and the members, then so be it, because that is where he will be. That is where you will be.

The opposition to this bill came not only from the member for Carleton, not only from the member for Hamilton West, but from virtually every health care group in the province. They saw this bill as nothing but a farce, and it remains nothing but a farce. When we cannot even come down to the decision in this Legislature, after

debate, that an unborn foetus has protection from secondhand smoke, in the face of all of the evidence, then where are we? Where are we in the legislative process?

I only hope that the people of Ontario understand the insensitivity of this government to perhaps the number one killer in terms of a health risk to our population. Because of their addiction to tobacco, 35 to 40 people have died today, yet we have a minister who is frightened to put upon the employers the obligation to provide a pregnant woman with a smoke-free workplace. I find that amazing.

I will continue to fight this government. I will continue to try to get the public of Ontario behind me and my colleagues in bringing forward meaningful legislation to the floor of this Legislature so that we can protect smokers and nonsmokers in the workplace.

We need meaningful legislation. Bill 194 is a farce, and I am ashamed that the Liberal government has not been willing to listen to the debate, willing to move, willing to amend it to make it what it could have been. Ontario could have been the leader in our country. It has chosen to be a follower, it has chosen to shuffle the issue off into the closets, and it is probably going to be a long time before we see this bunch ever bring this issue to the floor again, because I will fight them as hard as I have this time, maybe harder, the next time and I will ensure that if I ever have the privilege of sitting on the government benches again with my colleagues, we will bring forward meaningful legislation to control smoking in the workplace.

1810

**Mr Allen:** Let me first of all preface my comments by complimenting the member for Carleton (Mr Sterling) for the long and difficult task he has undertaken to try to move this government on this subject. I certainly have been happy to second him in that regard, notwithstanding our party differences and notwithstanding a lot of other things.

I certainly think he has taken an admirable and a careful, well-researched approach to this subject. He has carefully consulted, as indeed the legislative committee consulted, the health groups of this province and country, the labour movement, employers and those agencies that have taken up the task of attempting to facilitate the transitions to a more smoke-free working environment in Ontario.

Universally, all of them have advised him, as they have advised me and as they have advised the legislative committee, that this is an entirely



inadequate bill and that this bill could have been the kind of thing the minister described earlier in our committee of the whole; namely, legislation that set model standards for much of the industrialized world in terms of its workplaces.

In point of fact, we have just been outpaced a couple of weeks ago dramatically by New York state. When he says that we are the leader in this country, there are no other provinces that have this kind of general legislation anyway, so what kind of leadership is that? Everybody who was looking towards this minister and towards this government was looking for something that established a somewhat significantly higher level of precedent than this provides the rest of the country as it moves towards defining the problem and its solution to smoking in the workplace.

I think one has to realize the scale of the issue in order to appreciate the significance of what has happened. Those who do research on environmental tobacco smoke tell us two things.

One is that in a normal workplace, with a normal percentage of smokers present, the average worker present who is not a smoker has exactly the same biological test results as the smokers have in that environment.

Second, if you are going to try to do something about it on the basis of normal standards of ventilation, you end up with a lifetime risk for the workers in that workplace which is 250 times the acceptable level and there is no ventilation system on earth that is capable of removing that level to what is defined under biological and chemical tests as an acceptable level. There is no ventilating and heating system that could stand the test. You would literally have to have a gale blowing through your workplace to get anywhere near acceptable levels.

That is the degree of the problem, so when the minister introduces a bill that permits employers to designate smoking areas which have no external ventilation, are part of the enclosed workplace, the absurdity of the bill is patent and obvious. I am just surprised that it has not struck the minister that way, that it has not struck the members of the committee who did the listening that way and that it has not struck the cabinet and the members of the government opposite that way.

One can only conclude, on a rather sad and I think rather tragic note that the member from Carleton ended on, the very minimal condition that one would expect to respect, the right of a woman carrying a child in a workplace, has been repudiated by this minister and this government. They could have acted; they did not.

**The Speaker:** Do any other members wish to participate? If not, the minister may wish to complete the debate.

**Hon Mr Sorbara:** It really is a pleasure to be able to wrap up this debate, I guess the second major piece of legislation I have had the pleasure of winding up this week.

I just have a couple of words to say to the member for Hamilton West and the member for Carleton. Both of them have been very passionate in their desire to make Bill 194, in their terms, much more expansive in terms of its ability to regulate and much more restrictive in terms of its ability to allow, in any situation, smoking in the private workplace.

But I say to my friend from Carleton that I regret a little the tone of bitterness in his final remarks. He carries his political views very passionately. He has argued in this House very passionately on a number of subjects, some in the last Parliament we sat in together, some in this Parliament. I only want to say to him in concluding that one of the reasons this Parliament is finally coming to grips with effective regulation of smoking in the private workplace is because of the kind of crusade and passionate approach he has taken to this issue, not only in this Parliament but around the province.

I have listened to him in this debate. I have met with him privately. I have understood his views in the standing committee on social development and in the committee of the whole House. I understand his disappointment. I just want to tell him and my own caucus members that we really are making dramatic progress with Bill 194. We really are for the first time anywhere in Canada establishing minimum standards. I know he would like the Ministry of Labour to go a lot further, in effect to assume some jurisdiction for health care broadly in the province. That is not within my jurisdiction and it is not within the jurisdiction of the Ministry of Labour.

But I am pretty darned proud that on the last day of this sitting of this session, this Parliament has decided to put in some regulation which I believe, I have said from the beginning of this debate, will provide for the interests of nonsmokers in our workplace in a way that has not been done before. I do not expect that we will not have any amendment to this theme of legislation over the next 10 or 15 years, but we have taken a giant step and I think we have taken a very important step in an area that is not without controversy. I thank members for supporting this piece of legislation.

**The Speaker:** Mr Sorbara has moved third reading of Bill 194. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Hon Mr Conway:** His Honour the Administrator awaits.

1820

## ROYAL ASSENT

### SANCTION ROYALE

His Honour the Administrator of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

**Hon Mr Howland:** Pray be seated.

**The Speaker:** May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**Clerk Assistant and Clerk of Committees:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 24, An Act to amend the Gasoline Tax Act;

Bill 93, An Act to revise the Justices of the Peace Act;

Projet de loi 93, Loi portant révision de la Loi sur les juges de paix ;

Bill 162, An Act to amend the Workers' Compensation Act;

Bill 194, An Act to restrict Smoking in Workplaces;

Bill Pr32, An Act respecting the City of Toronto.

**Clerk of the House:** In Her Majesty's name, His Honour the Administrator doth assent to these bills.

Au nom de Sa Majesté, Son Honneur l'administrateur sanctionne ces projets de loi.

His Honour was pleased to retire from the chamber.

**Hon Mr Conway:** I would like to seek consent to revert to motions for one last item of business.

Agreed to.

## MOTION

### ADJOURNMENT

**Hon Mr Conway:** Before putting this last motion, I know all members would want me on this occasion, very late in the month of July, to express our appreciation to this particularly diligent and long-working group of legislative pages. I want to say on the members' behalf to Carl and his friends that they have served us very well over a long and arduous spring and summer. For that good service, we thank them most heartily.

With that, I move that when this House adjourns today, it stands adjourned until 1:30 pm on the afternoon of Tuesday 10 October 1989.

Motion agreed to.

The House adjourned at 1825.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### WATERFRONT DEVELOPMENT

**81. Mr McCague:** Will the Minister of Municipal Affairs provide a list of municipalities receiving assistance under the waterfront development program, including the amount and the project description? [Tabled 4 May 1989]

See sessional paper 97.

### ONTARIO HEALTH INSURANCE PLAN

**202. Mr Reville:** Will the Minister of Health indicate, for the most recent complete year, doctors' billings to OHIP, arrayed in descending magnitude, in a one-line-per-amount-billed format, without revealing the identity of the individual doctors? [Tabled 12 June 1989]

See sessional paper 98.

### ONE-STOP ACCESS

**244. Mrs Cunningham:** Would the Minister without Portfolio responsible for senior citizens' affairs please table all documentation relating to the research and development of the one-stop access program? [Tabled 4 July 1989]

See sessional paper 99.

**245. Mrs Cunningham:** Would the Minister without Portfolio responsible for senior citizens' affairs provide details of how the \$1.5 million allocated to the research and development of the one-stop access program was spent in fiscal 1988-89? [Tabled 4 July 1989]

**Hon Mrs Wilson:** The \$1.5 million was allocated for the implementation of one-stop access in the pilot sites in 1988-89. None of the \$1.5 million allocation was directed or spent for research and development.

**246. Mrs Cunningham:** Would the Minister without Portfolio responsible for senior citizens' affairs provide the estimated cost to the province of providing one-stop access in each municipality in the province? [Tabled 4 July 1989]

**Hon Mrs Wilson:** The cost of implementing one-stop access in each municipality cannot be determined before full implementation of the five pilot sites.

Cabinet approval for one-stop access (April 1987) was for the implementation of five pilot projects in five communities across the province. One-stop access was to be introduced in two phases:

Phase 1: Huron county; regional municipality of Waterloo; district of Cochrane.

Phase 2: Borough of East York; eastern Ontario counties of Stormont, Dundas, Glengarry; Prescott-Russell.

After two full years of operation, the one-stop access approach would be fully evaluated. Cost of implementing and operating a one-stop access pilot site would be one of the important factors evaluated at that time. Only then could the cost of implementing one-stop access province-wide be determined.

The cost of implementing one-stop access would be dependent on a number of factors and therefore could vary widely from municipality to municipality. Some factors which would affect costs of one-stop access would be: elderly and disabled population; rural versus urban setting; service levels; ancillary support services.

Sites for the one-stop access pilot project were chosen on the basis of their diversity so that the one-stop access approach could be truly tested.

**247. Mrs Cunningham:** Would the Minister without Portfolio responsible for senior citizens' affairs provide a list of the estimated startup dates for each pilot project of the one-stop access program? [Tabled 4 July 1989]

**Hon Mrs Wilson:** One-stop access is now being considered within the framework and mandate of the long-term care task force announced by the Honourable John Sweeney, Minister of Community and Social Services, to the Legislature on 7 June 1989.

The mandate of the task force is to introduce major reforms into Ontario's long-term care system—including community- and institutional-based services—serving the elderly and people who have physical disabilities. These reforms are being done in partnership with myself, the Minister of Health, the Minister of Community and Social Services and the minister responsible for disabled persons.

The principles and features of one-stop access are being fully incorporated into the long-term care task force's larger framework.

### ALAN PEARSON ASSOCIATES INC

**270. Mr McLean:** Would the Minister of Tourism and Recreation provide a copy of the contract between Ontario Place and Alan Pearson Associates Inc (APA Inc)? [Tabled 10 July 1989]

**Hon Mr O'Neil:** In response to the above question, it is important to note that Alan Pearson

Associates Inc provided services to Ontario Place on two occasions.

In the fall of 1987, Ontario Place Corp undertook a new long-range planning project to explore its future directions. At its 29 October 1987 meeting, the corporation's board of directors approved the hiring of Alan Pearson Associates Inc without tender for strategic planning and organizational development assistance. The project was not to exceed \$25,000. The terms of the project were laid out in a letter from the chairman of the board, Patricia Starr, to Alan Pearson, dated 4 November 1987, and in the subsequent purchase order sent from Ontario Place to Alan Pearson Associates Inc. No formal contract was prepared nor required for the project since the services that were to be provided were listed in these documents. The terms were as follows:

(A) Strategic planning advice with respect to possible courses of action contemplated by the board of directors;

(B) Designing and facilitating consensus-building sessions involving groups of directors, executives, employees and/or associates of Ontario Place Corp;

(C) Drafting plans, strategies, schedules, proposals, prospectuses, letters, memoranda, briefs, etc, for the board of Ontario Place.

(D) Other consulting services mutually agreed between the board of Ontario Place and Alan Pearson Associates Inc.

The fee was not to exceed \$20,000, while expenses were not to exceed \$5,000.

The project was brought to a close on 15 December 1987, after it was determined that Ontario Place had not complied with the ministry's purchasing policy for untendered consulting services. The cost of \$20,000 for the project exceeded the maximum level of \$15,000 established in the ministry guidelines. Alan Pearson Associates Inc was paid \$4,950 for services rendered to that date.

In March 1988, Alan Pearson successfully bid for a competitive Ontario Place tender to conduct a one-day strategic planning seminar with the corporation's board of directors and senior management. The detailed terms of the project were stated in the tender call (see appendix 1) and a purchase order in this regard was issued to the successful company, Alan Pearson Associates Inc.

The terms of the project included:

(A) To improve communications between the board and the staff;

(B) To assist the board and staff in reaching a common understanding and vision for Ontario Place;

(C) To effectively mobilize the energy and resources of both groups to develop a plan of action to ensure a successful operating season in 1988.

Ontario Place sought legal advice from Aird and Berlis as to whether considering Alan Pearson Associates Inc would constitute a conflict of interest in view of Mr Pearson's relationship to a cabinet minister. In a letter dated 10 February 1988, Ontario Place was told it would not. The Pearson bid was selected because it was the lowest and on 11 May 1988, Alan Pearson Associates Inc was paid \$4,112, including expenses, for the seminar.

## Appendix 1

### Background

Ontario Place Corp is a crown corporation of the provincial government. A major tourism, recreation, entertainment and cultural complex on Toronto's waterfront, Ontario Place is managed by a 13-member board of directors who are appointed by the Lieutenant Governor in Council.

Since June 1987, the board has undergone a significant change both in makeup and in operating philosophy. Because of this, the board has decided to hold a day-long seminar for board members and the corporation's senior management staff for purposes of team building and to reach a shared vision of the corporation's direction for the immediate future.

The corporation is seeking a seminar leader to facilitate this one-day session.

The proposed date for this workshop is 30 March 1988 in Sudbury Ontario. Ontario Place will cover all expenses associated with the event; ie, travel, accommodation, meals, equipment rental, etc.

### Objectives:

The objectives of the session are as follows:

1. To improve communication between the board and staff.

2. To assist the board and staff in reaching a common understanding and vision for Ontario Place.

3. To effectively mobilize the energy and resources of both groups to develop a plan of action to ensure a successful operating season in 1988.

If you are interested in being considered for this assignment, please include the following in your proposal:



A brief outline or agenda for the workshop and approach to be taken; a breakdown of fees (exclusive of expenses); a description of past experience relevant to this project; résumés of staff who would be directly involved.

Submissions will be evaluated on these criteria as well as your understanding of Ontario Place and the concerns we wish to address.

Any questions regarding the proposal may be addressed to: Joel Shapiro, Director, Finance and Administration, Ontario Place Corp, 955 Lakeshore Blvd West, Toronto, Ontario, M6K 3B9. (416) 965-7591.

### TRANSIT SERVICES

**271. Mr Brandt:** Would the Minister of Transportation, given that in response to sessional paper P-43 [tabled 9 February 1989] he indicated that "GO Transit is presently determining what changes can be made to station facilities to permit them to be used with less difficulty by frail and ambulatory disabled people," indicate the timetable for such review and the schedule for initiating and funding station alterations? [Tabled 10 July 1989]

**Hon Mr Fulton:** Two separate studies are in progress on improving accessibility to GO stations and terminals for the frail and ambulatory handicapped.

In the first, GO Transit has identified 16 features which provide better accessibility: (1) curb cuts; (2) extended handrails on all stairways; (3) easy-to-open doors; (4) nonslip stairs incorporating highlighting on edges; (5) door grilles and grating compatible with the use of canes and crutches; (6) zebra stripes at crosswalks; (7) absence of protrusions or other obstructions; (8) reserved parking for the handicapped; (9) platform shelters and benches; (10) complete water closet stall for the handicapped; (11) grate bars and coat hooks in other closet stalls; (12) improved illumination in stairways and for signage; (13) high contrast and/or illuminated signs, and pictographic signage; (14) ticket booth intercom if booth is glass-enclosed; (15) public address system; (16) electronic displays for visual announcements.

Several of these features are already in place at various stations, but GO is reviewing all locations to determine where improvements can be made. A consultant has been assigned to design these features into existing stations as applicable; the design work will be finished in September 1989. Construction at identified stations will be done in November 1989 through

the spring of 1990; capital funds for this project have been identified.

In the second study, a consultant has been appointed to review the feasibility of installing escalators or elevators at various GO train stations to improve accessibility. The study is in progress and will be completed by October 1989. Its results will provide GO Transit with the information necessary to formulate a policy on the installation of escalators and elevators.

**272. Mr Brandt:** Would the Minister of Transportation table all materials and documentation concerning what maintenance and/or repairs have been done and for what reason to all GO Transit locomotives purchased from General Motors in London, Ontario, during the past three years? [Tabled 10 July 1989]

See sessional paper 100.

**280. Mr Cousens:** Would the Minister of Transportation table all information concerning any plans, proposals or discussions concerning the possibility of imposing a parking fee at GO Transit stations? [Tabled 10 July 1989]

**Hon Mr Fulton:** GO Transit is currently undertaking a parking management study to determine the best way of serving the most GO passengers with the spaces provided. The study is assessing alternatives including various parking fee methods, space allocations, etc. Market research is presently being undertaken to explore public attitudes toward parking supply, parking fees and other means of GO station access.

**281. Mr Cousens:** Would the Minister of Transportation describe the equipment failures which occurred on 2 March 1989 on the GO Transit system and, in doing so, will he table the maintenance reports associated with the remedying of the malfunctions in question? [Tabled 10 July 1989]

**Hon Mr Fulton:** 2 March 1989 GO train equipment failures:

The 0623 hours westbound trip from Whitby on the Lakeshore East line was delayed at Whitby: the fail-safe device which prevents door-opening if the train is in motion was activated by radio interference while this train was stationary, necessitating a change of train-sets and resulting in a 20-minute delay.

The 1614 westbound train from Whitby to Union Station was cancelled because its locomotive ran out of fuel.

The 1720 homebound train from Union Station to Stouffville was delayed one hour 56 minutes because of a major signal failure and

because of locomotive fuel pump failure (see attached).

The equipment failures described above were not the main cause of the major delays that occurred throughout the GO train system on the evenings of Monday 13 February, Tuesday 14

February, and Thursday 2 March. On all three evenings CN's new computerized signal system on the Lakeshore experienced an electronic breakdown; CN has made fundamental design changes to the new system and reliability has improved dramatically.

### History Make-a-Report for Specified Criteria

#### Train delay 152, 2 March 1989

Unit	Date Worked	Section of Equipment	Position	Component	Subcomponent	Action Taken	Defect	How-Found/ Why Worked	Details/ Notes
709	03/03/89	main engine		fuel pump	motor	rep/in/ place	defective	occur sheet.	stoned and brushes

**282. Mr Cousens:** Would the Minister of Transportation describe the locomotive malfunctions that occurred on the GO Transit system on Monday and Tuesday 13 and 14 February 1989 respectively, and in doing so, will he table the maintenance reports associated with the remedying of the malfunctions in question? [Tabled 10 July 1989]

**Hon Mr Fulton:** 14 February 1989 locomotive malfunctions:

The fourth morning train to Union Station on the Milton line was delayed 33 minutes at Streetsville at 0745 hours (28 minutes late arriving into Union) because of locomotive air compressor problem (see repair history B). As a result, the fifth morning was also delayed by 17 minutes.

The 1543 westbound train from Union Station to Oakville was cancelled at Mimico because of locomotive wheel problems (see repair history A). As a result, the 1630 eastbound train from Oakville was delayed 10 minutes loading passengers from the disabled train.

The 1643 westbound from Union to Oakville was delayed 34 minutes because of a locomotive coolant leak (see repair history C), resulting in a 48-minute delay to the 1730 eastbound from Oakville to Union and 16 minutes to the 1946 westbound from Whitby to Union.

The 1655 homebound train from Union Station to Georgetown was cancelled because of locomotive crank case problems: the engine protection device was tripped; it was reset with no repairs required.

The equipment failures described above were not the main cause of the major delays that occurred throughout the GO train system on the evenings of Monday 13 February, Tuesday 14 February, and Thursday 2 March. On all three nights, CN's new computerized signal system on the Lakeshore experienced an electronic breakdown; CN has made fundamental changes to the new system and reliability has since improved dramatically.

### History Make-a-Report for Specified Criteria

Unit	Date Worked	Section of Equipment	Position	Component	Subcomponent	Action Taken	Defect	How-Found/ Why Worked	Details/ Notes
<b>A. Train delay 921, 14 February 1989</b>									
709	02/17/89	truck system		wheel	assembly	turned/ trued	profile out	trip insp.	#3 and #4 wheels turned
<b>B. Train delay 356, 14 February 1989</b>									
706	02/15/89	compressed air system		compressor	cock/valve	change out	blowing	occur. sheet	175lb pop valve
<b>C. Train delay 923, 14 February 1989</b>									
726	02/23/89	main engine	#6	power assembly	assembly	change out	leaking	shut down	coolant leaking

**283. Mr Cousens:** Would the Minister of Transportation list by route and schedule the number of GO trains operating during morning and evening rush hours, the number of bilevel cars on each such train and the percentage of passengers standing on each train? [Tabled 10 July 1989]

**Hon Mr Fulton:** The information pertaining to the number of GO trains operating during the morning and evening rush hours, the number of bilevel cars on each such train and the percentage of passengers standing on each train is attached.



<b>From</b>	<b>Time</b>	<b>No. cars</b>	<b>% of standees</b>
Lakeshore West			
Oakville	0610	8	0
Oakville	0630	8	0
Hamilton	0625	12	0
Hamilton	0645	12	0
Oakville	0710	8	0
Hamilton	0705	10	0
Oakville	0730	10	0
Oakville	0750	10	0
Port Credit	0807	12	0
Oakville	0810	8	0
Oakville	0830	10	0
Lakeshore East			
Whitby	0546	10	0
Whitby	0623	8	0
Whitby	0647	10	0
Whitby	0706	12	0
Pickering	0725	6	0
Whitby	0743	10	3
Whitby	0805	8	0
Stouffville	0714	6	0
Richmond Hill	0710	5	0
Richmond Hill	0745	5	0
Richmond Hill	0810	5	0
Bradford	0713	5	0
Georgetown	0635	5	0
Georgetown	0700	7	0
Georgetown	0725	8	0
Georgetown	0750	5	0
Milton	0630	7*	0
Milton	0650	6	0
Milton	0710	7	0
Milton	0730	7	0
Milton	0750	8*	0

<b>From Union to</b>	<b>Time</b>	<b>No. cars</b>	<b>% of standees</b>
Lakeshore West			
Oakville	1613	10	0
Hamilton	1637	12	0
Oakville	1643	10	0
Oakville	1702	10	0
Hamilton	1719	12	11
Oakville	1725	9	20
Oakville	1743	8	3
Hamilton	1755	8	0
Lakeshore East			
Whitby	1613	8	0
Whitby	1633	8	0
Whitby	1653	10	0

From Union to	Time	No. cars	% of standees
Whitby	1713	12	0
Whitby	1733	10	0
Whitby	1813	10	0
Stouffville	1720	6	0
Richmond Hill	1630	5	0
Richmond Hill	1703	5	0
Richmond Hill	1730	6	0
Georgetown	1632	8	0
Georgetown	1655	5	0
Georgetown	1720	7	0
Georgetown	1745	5	0
Milton	1630	7	0
Milton	1650	8*	0
Milton	1710	6	0
Milton	1730	7	0
Milton	1935	7*	0
Bradford	1715	5	0

\*Single levels

**Notes:**

1. The percentage of standees indicates the proportion of the total passenger load which exceeds the total seats on the train. As passenger loads are seldom evenly distributed, it is not unusual to have passengers standing on a train while there are more than sufficient empty seats throughout the train to provide seats for all those standing. For example, on 17 July, the 0645 train from Hamilton arrived in Toronto with 96 people standing and 170 empty seats.

2. All trains are equipped with bilevel cars for two trainsets on the Milton line. It is anticipated that the delivery of new bilevel cars will permit the equipping of these trains with bilevel equipment by the end of August.

3. Ridership statistics for the Lakeshore West morning trains are as of 28 June 1989.

**INTERIM ANSWERS**

**269. Mr J. M. Johnson—Hon Mr Patten:**

The Ministry of Government Services requires additional time to provide the information required by the question. The answer should be available on or about 28 August 1989.

**296. Mr McCague—Hon Mr Elston:** The answer to this question is being co-ordinated by Management Board. The information required to answer this question cannot be obtained within the normal period of 14 days but should be available on or about 28 September 1989.

**297. Mr McCague—Hon Mr Elston:** The answer to this question is being co-ordinated by Management Board. The information required to

answer this question cannot be obtained within the normal period of 14 days but should be available on or about 14 September 1989.

**300. Mr McCague—Hon Mr Elston:** The answer to this question is being co-ordinated by Management Board. The information required to answer this question cannot be obtained within the normal period of 14 days but should be available on or about 7 September 1989.

**301. Mr McCague—Hon Mr Elston:** The answer to this question is being co-ordinated by Management Board. The information required to answer this question cannot be obtained within the normal period of 14 days but should be available on or about 31 August 1989.



## RESPONSES TO PETITIONS

### NATUROPATHY

Sessional paper P-1, re naturopathy.

**Hon Mrs Caplan:** The final recommendations of the health professions legislation review were tabled in the Legislature on 26 January 1989. In its final recommendations, the review continued to recommend that the profession of naturopathy not be statutorily self-governing. Naturopaths would remain able to practise without specific legislation.

The Ministry of Health has circulated the HPLR's final recommendations to professional governing bodies and other interested parties and is itself assessing the recommendations and their implications. I continue to meet with those groups most affected by the review and its recommendations prior to introducing legislation. To date more than 20 groups have met with me and I expect to have heard the major concerns of more than 50 groups by early autumn. The board of directors of Drugless Therapy—Naturopathy and the Ontario Naturopathic Association met with me on July 4, 1989. They were assured that their views and concerns would be taken into account during the process of implementing HPLR proposals.

### SCHOOL OPENING AND CLOSING EXERCISES

Sessional paper P-3, re Lord's Prayer.

**Hon Mr Ward:** On 23 September 1988, the Ontario Court of Appeal struck down subsection 28(1) of regulation 262 as an infringement of religious freedom under the Canadian Charter of Rights and Freedoms. The spirit of the decision was that in opening or closing exercises in public schools one religion must not be given a position of primacy and that the content of opening or closing exercises must reflect the multicultural realities and traditions of Ontario society.

The amendments which I announced on 12 January 1989 allow opening or closing exercises to continue in Ontario public elementary and secondary schools in a manner consistent with the spirit of the court's ruling.

The amendments allow the Lord's Prayer to continue to have a place in opening or closing exercises as a reading. However, it may not be

given a position of primacy and the collective recitation of a reading from a particular religious tradition can no longer be permitted as such a practice is not in accordance with the Canadian Charter of Rights and Freedoms.

Where a board chooses to offer a balanced selection of readings drawn from secular and scriptural writings, students will benefit from exposure to the social, moral and spiritual traditions representative of Ontario's multicultural society.

The public elementary and secondary schools of Ontario are open and accessible to all on an equal basis irrespective of creed. They are founded on the positive societal values which, in general, Canadians hold and regard as essential to the wellbeing of our society. These values transcend cultures and faiths, reinforce democratic rights and responsibilities, and are based on a fundamental belief in the worth of all persons.

### SECURITY IN PREMISES USED BY PUBLIC

Sessional paper P-18, re Trespass to Property Act.

**Hon Mr Scott:** The existing legislation permits the arbitrary eviction and exclusion of individuals from property to which the public is generally invited. It does not provide equal and fair protection for individuals, despite the applicability of the Human Rights Code.

Bill 149 would provide protection very similar to the existing law to business people while eliminating the unfairness of that law. Bill 149 would only require that people required to leave publicly used property be given the reason for being excluded. Actions that are incompatible with the public's use of the premises and actions that breach the occupier's reasonable rules are both a good basis for exclusion. Anyone who behaves improperly can be charged immediately. People could be banned for 30 days each time they misbehave. The ban would be effective even though the banned person objects.

Good managers of publicly used government and private property already realize that the arbitrary exercise of power against individuals is no longer acceptable. Bill 149 will require all managers to be fair. It will still ensure that property owners and retailers can provide a pleasant, safe shopping environment.

**ALPHABETICAL LIST OF MEMBERS\***

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breough, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrondola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)  
**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)

South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

#### EXECUTIVE COUNCIL

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs  
 Nixon, Hon Robert F., Deputy Premier, Treasurer of Ontario and Minister of Economics  
 Conway, Hon Sean G., Minister of Mines  
 Bradley, Hon James J., Minister of the Environment  
 Scott, Hon Ian G., Attorney General and acting Solicitor General  
 Riddell, Hon Jack, Minister of Agriculture and Food  
 Eakins, Hon John F., Minister of Municipal Affairs  
 Kerrio, Hon Vincent G., Minister of Natural Resources  
 O'Neil, Hon Hugh P., Minister of Tourism and Recreation  
 Sweeney, Hon John, Minister of Community and Social Services  
 Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions  
 Wrye, Hon William, Minister of Consumer and Commercial Relations  
 Grandmaitre, Hon Bernard C., Minister of Revenue  
 Curling, Hon Alvin, Minister of Skills Development  
 Fulton, Hon Ed, Minister of Transportation  
 Kwinter, Hon Monte, Minister of Industry, Trade and Technology

Oddie Munro, Hon Lily, Minister of Culture and Communications  
 Sorbara, Hon Gregory S., Minister of Labour  
 Caplan, Hon Elinor, Minister of Health  
 Fontaine, Hon René, Minister of Northern Development  
 Ramsay, Hon David, Minister of Correctional Services  
 Ward, Hon Christopher C., Minister of Education  
 Hošek, Hon Chaviva, Minister of Housing  
 McLeod, Hon Lyn, Minister of Colleges and Universities  
 Patten, Hon Richard, Minister of Government Services  
 Phillips, Hon Gerry, Minister of Citizenship  
 Wong, Hon Robert C., Minister of Energy  
 Mancini, Hon Remo, Minister without Portfolio  
 Wilson, Hon Mavis, Minister without Portfolio

### PARLIAMENTARY ASSISTANTS

Ballinger, William G.: assistant to the Minister of Natural Resources (Durham-York L)  
 Beer, Charles: assistant to the Minister of Education (York North L)  
 Brown, Michael A.: assistant to the Minister of Mines (Algoma-Manitoulin L)  
 Cordiano, Joseph: assistant to the Minister of Tourism and Recreation (Lawrence L)  
 Faubert, Frank: assistant to the Minister of Revenue (Scarborough-Ellesmere L)  
 Ferraro, Rick E.: assistant to the Minister of Financial Institutions (Guelph L)  
 Haggerty, Ray: assistant to the Minister of Consumer and Commercial Relations (Niagara South L)  
 Hart, Christine E. (Ms): assistant to the Minister of Treasury and Economics (York East L)  
 Kanter, Ron: assistant to the Solicitor General (St Andrew-St Patrick L)  
 Keyes, Kenneth A.: assistant to the Minister of Health (Kingston and The Islands L)  
 LeBourdais, Linda (Mrs): assistant to the Minister of Intergovernmental Affairs (Etobicoke West L)  
 Leone, Laureano: assistant to the Minister of Culture and Communications (Downsview L)  
 Lupusella, Tony: assistant to the Minister of Government Services (Dovercourt L)  
 Mahoney, Steven W.: assistant to the Minister of Industry, Trade and Technology (Mississauga West L)  
 McClelland, Carman: assistant to the Minister of the Environment (Brampton North L)  
 McGuigan, James F.: assistant to the Minister of Transportation (Essex-Kent L)

McGuinty, Dalton J.: assistant to the Minister of Skills Development (Ottawa South L)  
 Miclash, Frank: assistant to the Minister of Northern Development (Kenora L)  
 Miller, Gordon I.: assistant to the Minister of Agriculture and Food (Norfolk L)  
 Morin, Gilles E.: assistant to the Minister of Colleges and Universities (Carleton East L)  
 Nixon, J. Bradford: assistant to the Minister of Housing (York Mills L)  
 Offer, Steven: assistant to the Attorney General (Mississauga North L)  
 Polsinelli, Claudio: assistant to the Minister of Municipal Affairs (Yorkview L)  
 Ruprecht, Tony: assistant to the Minister of Community and Social Services (Parkdale L)  
 Smith, David W.: assistant to the Minister of Correctional Services (Lambton L)  
 South, Larry: assistant to the Minister of Energy (Frontenac-Addington L)  
 Sullivan, Barbara (Mrs): assistant to the Minister of Labour (Halton Centre L)  
 Velshi, Murad: assistant to the Minister of Citizenship (Don Mills L)

### STANDING COMMITTEES

Administration of justice: chairman, Mr Callahan; vice-chairman, Mr Chiarelli; members, Messrs Hampton, Kanter, Kormos, Mahoney, McGuinty, Offer, Polsinelli, Runciman and Sterling; clerk, Douglas Arnott.

Finance and economic affairs: chairman, Mr D. R. Cooke; vice-chairman, Mr Pelissero; members, Messrs Cleary, Ferraro, Haggerty, Ms Hart, Messrs Kozyra, Mackenzie, McCague, Morin-Strom, and Pope; clerk, Lisa Freedman.

General government: chairman, Mr Elliot; vice-chairman, Mr Faubert; members, Ms Bryden, Messrs Callahan, Charlton, Cordiano, Cureatz, Fleet, McLean, Ruprecht and Sola; clerk, Franco Carrozza.

Government agencies: chairman, Mr McLean; vice-chairman, Mrs Marland; members, Messrs Ballinger, Breaugh, Farnan, Miller, J. B. Nixon, Miss Roberts, Messrs Runciman, South and Velshi; clerk, Harold Brown.

Legislative Assembly: chairman, Mr Epp; vice-chairman, Mr Campbell; members, Messrs Breaugh, Farnan, J. M. Johnson, Matrondola, McClelland, Morin, Sterling, Mrs Stoner and Mrs Sullivan; clerk, Deborah Deller.

Ombudsman: chairman, Miss Nicholas; vice-chairman, Mr Bossy; members, Ms Bryden, Messrs Carrothers, Cousens, Henderson, Mrs



LeBourdais, Messrs Lupusella, MacDonald, Philip and Pollock; clerk, Franco Carrozza.

Public accounts: chairman, Mr Philip; vice-chairman, Mr Pouliot; members, Messrs Adams, Ballinger, Charlton, Ms Collins, Mr Cousens, Mrs Fawcett, Miss Nicholas, Messrs J. B. Nixon and Villeneuve; clerk, Tannis Manikel.

Regulations and private bills: chairman, Mr Furlong; vice-chairman, Mr Sola; members, Messrs Black, Keyes, Leone, Mackenzie, McCague, Miclash, Morin-Strom, Pollock, D. W. Smith, and Sola; clerk, Lisa Freedman.

Resources development: chairman, Mr Laughren; vice-chairman, Mr Wildman; members, Messrs Brown, Dietsch, Lipsett, Mrs Marland, Miss Martel, Mr McGuigan, Mrs Stoner, Messrs Tatham and Wiseman; clerk, Lynn Mellor.

Social development: chairman, Neumann; vice-chairman, Mrs O'Neill; members, Messrs Allen, Beer, Carrothers, Mrs Cunningham, Messrs Daigeler, Jackson, R. F. Johnston, Owen and Ms Poole; clerk, Todd Decker.

## SELECT COMMITTEE

Education: chairman, Ms Poole; vice-chairman, Mr Mahoney; members, Messrs Beer, D. S. Cooke, Furlong, Jackson, R. F. Johnston, Keyes, Miclash, Mrs O'Neill and Mr Ville-neuve; clerk, Harold Brown.

Energy: chairman, Mr Carrothers; members, Messrs Brown, Charlton, Cureatz, Mrs Grier, Messrs McGuigan, Matrondola, M. C. Ray, Runciman, South and Mrs Sullivan; clerk, Deborah Deller.

## SPECIAL COMMITTEE

Parliamentary precinct: co-chairmen: Hon Mr Edighoffer and Mr Epp; members, Messrs Breaugh, Reycraft and Sterling; clerk, Smirle Forsyth.

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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No. 49

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Tuesday 10 October 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 10 October 1989

The House met at 1330.

Prayers.

## LEGISLATIVE PAGES

**The Speaker:** If I could have the attention of all members, I would like to inform the members that we have a new group of pages who have joined us for the first session in this fall of 1989. They are:

Melissa Bailey, Oakville South; Michael Barkey, Markham; Eric Bergeron, Cornwall; David Brophy, Nepean; Geoffrey Duckworth, Etobicoke-Humber; Andrea Elizondo, York South; Jeremy Freiburger, Wentworth North; Sabrina Grando, York Centre; Anthony Hurd, Leeds-Grenville; Pamela Johnson, Scarborough North; Wayne Korhonen, Nipissing; Mark Lessey, St Catharines; Fabiana Li, Fort York; Rachel Parks, Elgin; Kathryn Peters, Kingston and The Islands; Colin Pickell, Huron; Amy Purkis, Eglinton; Heather Robb, Middlesex; Alex Ross, Oriole; Sameer Sehdev, Durham West; Kathleen Taylor, Wellington; Haley Wideman, Kitchener-Wilmot; Ivy Wong, Wiltondale, and David Wood, Halton Centre.

Please join me in welcoming our new pages.

## BOARD OF INTERNAL ECONOMY

**The Speaker:** I beg to inform the House that I have laid upon the table a copy of an order in council appointing the Honourable Christopher Ward, MPP, as commissioner of the Board of Internal Economy in place of the Honourable Sean Conway, MPP.

## DEPUTY CHAIR

**The Speaker:** I also beg to inform the House that a vacancy has occurred in the office of the Deputy Chair of the Committee of the Whole House by reason of the resignation of Michael C. Ray, the member for the electoral district of Windsor-Walkerville.

We are now ready to go to Orders and Notices but just before I call the first order, members' statements, I would remind members that there has been a slight change in the standing orders and I will recognize three members from each party in rotation for up to 90 seconds.

## MEMBERS' STATEMENTS

### USE OF PUBLIC FUNDS

**Mr Kormos:** My constituency office represents large numbers of injured workers at the Workers' Compensation Appeals Tribunal. My assistant, Mike Grimaldi, recently represented a worker before that tribunal only to find out that the St Catharines General hospital had retained the services of a Bay Street law firm to represent it.

We are extremely concerned with this action, and I am informed that other hospitals are also employing expensive law firms to represent them at these hearings. What makes this conduct reprehensible is that taxpayers of Ontario fund the office of the employer adviser, which provides this very service to employers such as the St Catharines hospital, without charge.

At a time when restraints are being placed on hospitals, resulting in bed closings and waiting lists, these same hospitals should not be hiring big-money, Toronto-based lawyers to represent them at these hearings, wasting thousands of dollars of taxpayers' money, especially when representation is available to them.

It seems totally inappropriate to have the Ministry of Labour funding the office of the employer adviser to do this very type of work and then to have provincial taxpayers' money going to Toronto law firms to do the very same thing.

I have written to both the Minister of Health (Mrs Caplan) and the Minister of Labour (Mr Phillips) prevailing upon them to put an end to this practice. For this practice to continue, condoned by either of those two ministries, would be a sad commentary as to the real priorities of this government.

MARTIN ANDERSON AND  
MICHELLE LEVETT

**Mrs Cunningham:** A very special London North constituent, Martin Anderson, received the John Black Aird scholarship presented by Lieutenant Governor Lincoln Alexander today at Queen's Park. He and Michelle Levett of Brantford received \$2,500 to support the continuation of their studies at Carleton University.

Today in Ontario, as we work towards meaningful integration, support and understanding of our disabled community, we need to seek out role models. Martin Anderson and Michelle Levett are setting incredible examples of courage and determination to achieve their personal goals as they struggle with their disabilities and at the same time work so very hard at their studies.

I am sure that all the members of the Legislative Assembly will join me in congratulating Martin and Michelle for the wonderful examples they have set for others who work under such difficult circumstances and we wish them much success with their studies at Carleton University.

#### KELLY STEWART

**Mr Elliot:** It is with a great deal of pleasure I rise today to congratulate Kelly Stewart of Hornby, who was crowned Miss Canadian National Exhibition 1989 in August. The Milton Fall Fair queen was one of 113 contestants in the Queen of the Fair competition held at the CNE.

Kelly was honoured on 6 September 1989. A reception was held in her honour at the Scout Hall on the Milton fair grounds. Many residents of Halton attended to congratulate Kelly on her significant achievement.

Kelly is a graduate of the dental nursing program at George Brown College and continues to work in Georgetown in her field. Over the years Kelly has been active in 4-H club activities and has shown cattle at many fall fairs, including Georgetown, Milton, the CNE and the Royal Agricultural Winter Fair. She has been most proficient and successful.

The contestants were assessed on poise, personality and their response during a lengthy interview. The 113 contestants were narrowed down to seven, who were asked to present a prepared speech to a panel of judges. The three finalists then competed in an impromptu speech competition.

Kelly received many grand prizes, and as she represents Hornby, she will have a very busy year fulfilling her duties at many functions throughout Ontario. We wish her well, knowing she will represent Hornby in an extremely fine fashion.

#### WORKERS' COMPENSATION

**Miss Martel:** A month after being passed, the fallout from Bill 162 became evident.

On 18 August the Workers' Compensation Board released a discussion paper on possible regulations to the act. Those of us who argued

against giving the board so much power had good reason. The paper proves the board will use the regulations to limit the rights and benefits of injured workers.

The board has the power to define what is suitable and available work.

The discussion paper states "suitable" is any job which the worker is psychologically and physically capable of performing and has the skills to do so. The job should not pose a health and safety hazard to the worker. So a skilled tradesman who can physically work as a parking lot attendant would have this considered suitable for him.

Labour and the New Democratic Party have consistently argued "suitable" means a job with similar status, responsibility and dignity as the job the worker was injured at. That is not what the WCB proposes.

The board has defined "available" as employment which comes open in an appropriate geographical area, taking into account economic trends. The paper proposes that the longer the worker is off work, the larger the job search area should become, even to the point of searching anywhere in Ontario. There is no requirement that a job offer has to be made, and the board can even attach "available" to jobs which may come up in the future.

The Liberal government should be condemned for giving the WCB so much power. In 1983 the Liberals proposed definitions of "suitable" and "available" which were much tougher. It is obvious the Liberals have forgotten injured workers since the big win in 1987.

#### CAMPING FEES

**Mr McLean:** My statement is directed to the Minister of Tourism and Recreation (Mr Black), the Minister of Revenue (Mr Mancini) and the Minister of Municipal Affairs (Mr Sweeney), and it concerns the failure of the government to negotiate an alternative to the assessment of seasonal trailers at private campgrounds in Ontario.

This failure to negotiate an equitable fee structure will have serious and lasting repercussions to private campground businesses and to the economies of both the municipalities and the province and to the private camping industry.

The Ontario Private Campground Association has attempted to negotiate an equitable fee structure that would be fair to campers, campground operators and individual municipalities. In spite of these efforts and in spite of the government's assurances that action to resolve



these issues was imminent, nothing has been resolved.

It is my understanding that the three ministries involved have agreed in principle to consider an option that would see a reasonable municipal fee for each seasonal camper unit located in a campground that offers seasonal camping. The onus will be on the campground owner to collect this fee and turn it over to the municipality. A seasonal camper unit would be defined as a unit that occupies a camp site for an uninterrupted period of more than 90 days. The municipality could withhold or withdraw a campground licence if the operator fails to collect or remit the fees. The Ontario Private Campground Association should be informed if this option is not chosen.

Many seniors have told me they feel they pay eight per cent tax on campers and vehicles and do not need a further tax.

**1340**

#### RAT CONTROL

**Mr Tatham:** If you came out to your chicken house and saw your 33-week-old chickens dead with their heads off, you would want to find out why. Mrs Frank Brown, rural route 2, Princeton, took action by putting out rat bait on a Wednesday and by that weekend she had 41 dead rats.

Wild rats are recognized as the most destructive vertebrate animals in the world, both in terms of the economic losses they cause and in their effect on human health. Losses caused by rats can be divided into three categories: (1) losses to foodstuff, (2) physical damage caused by gnawing and tunnelling and (3) disease transmission.

According to National Geographic, the average rat can wriggle through a hole no larger than a quarter, scale a brick wall as though it had rungs, swim half a mile and tread water for three days, gnaw through lead pipes and cinder blocks, survive being flushed down a toilet and enter a building the same way, multiply so rapidly that a pair could have 15,000 descendants in a year, and plummet five storeys to the ground.

The province of Alberta is essentially rat-free. They initiated a municipal-provincial rat control program in 1954. Alberta monitors an 18-mile-wide buffer zone along the Saskatchewan border to prevent western migration of rats into the province. We do have a program through the OPPIP, the Ontario pork industry improvement program, but we certainly should do more.

This is what a rat did to some 14-2 cable. How about that?

#### TORONTO AREA TRANSPORTATION

**Ms Bryden:** Commuters in the greater Toronto region face draconian cuts in Via Rail services on 15 January 1990. I urge the Minister of Transportation (Mr Wrye) to go to Ottawa this week and work out a moratorium on these cuts until the province, the federal government and the municipal transit services can work out joint plans to ensure that commuters are not forced to take to the overcrowded highways and city streets and add to the gridlock now building in their whole area.

The Ministry of Transportation's past lackadaisical approach to expanding GO Transit must be replaced by a stepped-up policy which will see that the money available in the budget of \$1.2 billion is spent long before the end of the five-year period that it covers.

The provincial government must also put a stop to urban sprawl, which is adding to commuter needs, and it must provide more affordable housing within the Metropolitan Toronto area to enable more workers to live close to their jobs. The Liberal government's transportation network is in jeopardy if action is not taken immediately.

#### LANDFILL SITE

**Mr Eves:** I rise to make a statement about the McDougall township waste disposal site. This is a waste disposal site where Ministry of the Environment testing found that the dump site was leaking chemicals into a marsh and a stream on a neighbouring farm. They have had this knowledge for over a year, and yet they knew that the private owner's licence to operate the site was expiring on 30 September 1989.

As I say, they have known this for over a year. Yet, lo and behold, 30 September 1989 has come and gone. Nobody is operating the site; nobody is permitted to operate the site. Garbage has been piling up in Parry Sound and six adjacent municipalities for some two weeks. The Ministry of the Environment's response to this, to a problem it has known about for over a year, is to order McDougall township, one of the seven municipalities, to operate the site. They have said that a private operator cannot operate the site because it is leaching chemicals into water supplies, but McDougall township can operate the same site and leach the same chemicals into the same water supply. Whatever sense that

makes on the part of the Ministry of the Environment, I really do not know.

They have known about the problem for a year. They are asking one municipality out of seven to operate an unsafe site. They are refusing to accept liability on the part of the provincial government; they want McDougall township to assume that liability. They refuse to make a firm commitment to a municipality or a group of municipalities that they will offer any definite financial assistance. I think this is an absolutely ridiculous situation. It is one the minister and the Ministry of the Environment have known about for over a year. They have done absolutely nothing.

#### JULIE WHITE

**Mr Owen:** One of the most physically demanding athletic competitions is the Iron Man triathlon. This event combines three elements in succession: a long-distance swim, a bike ride and a marathon. This past August, Julie White, an accomplished athlete from Midhurst in my riding of Simcoe Centre, defended her title and set a new world record at the North American Iron Man Championships in Penticton, British Columbia.

Although Julie was behind after the 2.4-mile swim and the 112-mile bike race, she finished the 26.2-mile run 38 minutes ahead of her nearest competitor, thus capturing the North American title for the second year in a row with an overall time of 10 hours and one minute. During the course of this impressive win, Julie set a new world record for the marathon portion of an Iron Man competition with a time of 3:06:16. Julie is now one of the top 10 female triathletes in the world. Julie White's dedication to this extremely challenging sport and her willingness to work hard to achieve her goals are to be commended and we wish her continued success in representing our country in the Commonwealth Games in January in New Zealand. Mr Speaker, I give you today Julie White.

#### STATEMENTS BY THE MINISTRY

##### TRANSIT LABOUR DISPUTE

**Hon Mr Phillips:** Later today I will be introducing a bill concerning the labour dispute between the Toronto Transit Commission and the Amalgamated Transit Union, Local 113; the International Association of Mechanics and Aerospace Workers, Lodge 135, and the Canadian Union of Public Employees, Local 2.

The parties have exhausted the compulsory conciliation process. The Ministry of Labour has

provided extensive mediation assistance throughout the bargaining process. The parties have been in a legal strike or lockout position since 22 August. On 28 August, as most people are aware, a significant work slowdown began. The principal issue in the dispute was the management proposal to introduce part-time employees to the Toronto Transit Commission. That slowdown has meant considerable inconvenience for the people of the greater Toronto area. Close to one million people rely on the services of the TTC to get them to work each day, to school and around the city.

As all members know, it is always a serious matter for the government to propose that the Legislature involve itself in the collective bargaining process. This is not a decision that any of us takes lightly. This is not a power that any of us would care to exercise unless the circumstances were extraordinary.

The public interest will be served by the legislation I will be introducing. At the same time, I wish to indicate to both the TTC and the unions that we are looking to a lasting solution in such an important matter as this, involving collective bargaining.

While I am prepared to prevent further public inconvenience, I do not wish to reinforce the belief that labour and management can bargain to a stalemate on an issue like part-time employment and then leave it to the government to provide the solution.

Therefore, I am placing before the Legislative Assembly a bill which provides that the parties submit all issues in this dispute, except that of part-time employment, to an arbitrator. The arbitrator shall have the authority to set the terms of the new collective agreement between the parties.

The issue of part-time employees will not be subject to binding decision by an arbitrator. It will instead be subject to investigation and report by an independent fact finder. The dispute over the use of part-time employees is a complex one. It needs a lasting solution. Solutions to issues as complicated as this one are solutions that the parties themselves should negotiate. The fact-finder will examine all the issues of staffing. The fact-finder will then report to the minister and to the parties.

This bill reinforces the principles of our Labour Relations Act and the collective bargaining process. At the same time, it protects the public interest by ending the inconvenience of the past several weeks.

1350

## FIRE PREVENTION WEEK

**Hon Mr Offer:** I want to inform the members of the House that Sunday 8 October marked the beginning of the 67th anniversary of Fire Prevention Week in Ontario. As members will appreciate, Fire Prevention Week provides all Ontarians with the opportunity to reaffirm our support for public safety at home and in the workplace, and to recognize those among us who have demonstrated outstanding achievement, courage and ongoing commitment to fire prevention and fire safety.

Last year in Ontario, 141 deaths were attributed to fire. Loss of property amounted to over \$317 million. These are dramatic and chilling numbers, the dimensions of which can never match the losses measured in terms of human suffering and tragedy.

It remains the solemn obligation of this government to move towards the day when the practice of fire prevention will become as routine and normal a feature of daily living as any other. Towards that goal, and in support of the maintenance of safe and secure communities, as set out in the speech from the throne, I wish to announce today the establishment of the Fire Services Review Committee, whose purpose it will be to undertake a review of current legislation and to report to me in six months' time.

Our present legislation dealing with fire services in Ontario is now over 35 years old. While this legislative base has served us well over the years, there is now a general consensus that it can no longer meet the needs of today's communities.

I am seeking broad and full consultation in this undertaking. Accordingly, the committee will be composed of representatives of my ministry, the Ontario Association of Fire Chiefs, the Association of Municipalities of Ontario, the Ontario Professional Fire Fighters Association, the Provincial Federation of Ontario Fire Fighters and the Fire Fighters Association of Ontario. In addition to the committee's legislative review, they will also be asked to review matters such as levels and standards of service, training and labour relations.

I also wish to announce today the eight winners of the 1989 Ministry of the Solicitor General Fire Prevention Awards. In the organization category, this year's winners are the Ottawa Fire Department, the Whitby Fire Department, the Leeds and Grenville County Board

of Education and the Lambton Shrine Club. This year's awards for individual achievement are presented to Connie Chudyk of the Hamilton Fire Department and David Guilbault of the Ottawa Fire Department. Our youth award winners this year are David Timeriski and Hilory Vance, both of Elliot Lake. I know all members will want to extend their appreciation to each of these distinguished recipients.

While Fire Prevention Week is intended to provide a week-long focus in support of fire prevention and fire safety, its first message is that public safety is a year-long matter. Fire Prevention Week provides all Ontarians with the opportunity to reaffirm fire prevention and fire safety as a critical component of enhancing public safety. The Fire Services Review Committee, as announced today, I believe will serve the public well in the development and maintenance of safe and secure communities.

ONTARIO GOVERNMENT  
WASTE MANAGEMENT STRATEGY

**Hon Mr Ward:** Earlier today, my colleague the Minister of the Environment (Mr Bradley) and I announced the launch of a comprehensive environmental protection program involving some 45,000 civil servants in the Ontario government workplace. Ontario becomes the first provincial government to implement a waste management strategy, a strategy aimed at putting our own house in order. I am pleased that the Ministry of Government Services is taking the lead in this initiative. In total, we will spend \$1.6 million to conduct the first phase of this program.

Our government has a fundamental commitment to protecting the environment, a concern shared by millions of Ontarians. Cutting down on waste and putting our garbage to productive uses is an important step towards meeting that commitment. Members will know that this government recently set firm targets for the reduction of solid waste across Ontario, a 25 per cent reduction by 1992 and a 50 per cent reduction by the year 2000. We believe our government must lead by example, establishing a workplace recycling program that will serve as a model for other governments and for the corporate sector.

The success of the blue box program in communities across Ontario demonstrates that the people of our province care enough about our environment to separate recyclable materials in their homes and take their blue boxes to the curb each week. Our employees will now be able to carry that enthusiasm into the workplace.



My ministry has identified a number of activities to apply the three Rs of reduction, reuse and recycling to the workplace. Starting today, our employees are receiving desk-top containers called Paper Savers for the collection of fine paper. When filled, the Paper Savers will be emptied into bins for regular collection.

Metal newspaper saver bins and blue boxes for glass bottles, plastic bottles and metal cans will become permanent fixtures in high traffic areas of government buildings.

The program will start in the Macdonald Block at Queen's Park and will expand to cover 45,000 government employees in more than 120 buildings in the Metro Toronto area alone. Each year, this will recycle enough fine paper alone to fill this chamber to a height of more than 10 feet. We will also work to expand these activities to eastern, northern and southwestern Ontario.

I recently received a letter from Dr Noel Brown, director of the United Nations environment program, expressing strong support for this strategy. Dr Brown calls our plan "a most ingenious scheme," and concludes that, "This is an effort deserving of the widest commendation and support and we at the United Nations environment programme applaud it."

There is much more to this strategy than recycling alone. We are also working to reduce our use of materials and reuse them wherever possible. For example, within my ministry we are changing all our high-volume photocopiers to machines that copy on both sides of the page. This will result in a saving each year of some 29 tons of photocopier paper.

Still greater savings will be realized as the program expands to other ministries. My ministry is also initiating a pilot waste management project in the largest cafeteria at Queen's Park in the Macdonald Block. We hope to find alternatives to disposal for much of our food waste. In addition, we are investigating ways of identifying reusable materials, reducing packaging and incorporating the three Rs into the design, construction, repair and renovation of government buildings. New procedures may include the reuse of building materials such as wood products and wallboard.

The key factor in the success of the Ontario government waste management strategy will be the personal commitment of each and every individual in our government. We have started to do our part for the environment at home with the household blue box program; now we can do our part at work. I look forward, with my colleague the Minister of the Environment, to the co-

operation of all government employees as our province strives to adopt exemplary waste management practices.

## PERSONAL PROPERTY SECURITY

### SÛRETÉS MOBILIÈRES

**Hon Mr Sorbara:** Today I have the pleasure of announcing that the new Personal Property Security Act has been proclaimed and is now in force in the province of Ontario. The legislation, which applies to transactions where personal property is used as collateral for loans, contains a number of significant changes to the law, changes designed to benefit borrowers and lenders alike.

J'ai le plaisir d'annoncer aujourd'hui que la nouvelle Loi de 1989 sur les sûretés mobilières vient d'être proclamée et est maintenant en vigueur en Ontario. Cette loi, qui se rapporte aux transactions dans lesquelles des sûretés mobilières servent de garanties à des prêts, comporte un certain nombre de modifications importantes pour les bénéficiaires des emprunteurs et des prêteurs.

This act, which revises and repeals, by the way, the former Personal Property Security Act, is the result of many years of extensive review by the Minister's Advisory Committee on the Personal Property Security Act. The committee was appointed to monitor the operation of the act and also to develop recommendations for its improvement.

We have much to thank the committee for and I would like to take this opportunity to applaud the members of the committee, especially the chairman, Fred Catzman, for dedication to improving the law of personal property security in Ontario.

The new act clarifies and simplifies personal property security law in a number of ways. For example, personal and corporate assets no longer need to be registered separately when they are used as collateral. The new act also contains a number of changes to registration requirements designed to balance the needs of our business groups with consumer protection measures.

To assist those who use the system, the ministry has published a new user guide on how to register under the act. The guide also sets out the procedures on how to make a search of the personal property security registration system. This comprehensive guide replaces the three information guides formerly distributed by the ministry to assist users of the system.

The Repair and Storage Liens Act is also being proclaimed today. This act consolidates the law

of repair and storage of articles of personal property. It also clarifies the rights of repairers, storers, owners and secured creditors.

I trust that with the proclamation of these two acts, Ontario borrowers and lenders will benefit from the significant improvements in the registration process as well as enhance consumer protection in this province.

1400

## RESPONSES

### TRANSIT LABOUR DISPUTE

**Mr Mackenzie:** I am pleased to respond to the comments of the Minister of Labour (Mr Phillips) on the Toronto Transit Commission strike here in Toronto. Our party has traditionally taken a position in opposition to compulsory arbitration and that will not change. Compulsory arbitration as a general rule in this province has not benefited workers. It has been a tool that management has used consistently, and unfortunately old-party governments in this country have been much too ready and willing to use compulsory arbitration in a bitter labour dispute.

Because of the circumstances in this case, it may be the first time the workers may possibly benefit from the legislation that has been introduced. But the question that has to be asked is, why did we need the legislation that has been introduced? The minister, I am sure, knows that 80 per cent of the issues in terms of the contract were settled and that there is very little to go to binding arbitration in terms of the actual contract. The issue clearly was the part-timers. The issue of part-timers is one that is going to take on an increasing role in this province as we see some of the results of free trade. That may not be what is in place here, but certainly the issue of part-timers means a wage style and lifestyle that cannot support buying a home and raising a family. This was the issue.

I think the minister also knows very clearly that this could have been settled almost four weeks ago. The spare board and scheduling proposals, substantial concessions that were made by the union, would have settled this issue as much as or better than what we are doing by stalling it for another two years with the investigation.

The fact is that this legislation, while it may be of some benefit to the workers in this particular case, also takes the commission clearly off the hook for its intransigence in looking at proposals that would have settled it almost four weeks ago, proposals either better than what may be here or that are exactly the same as here, which the

commission would not accept at that point in time. It does raise some serious questions about the sincerity of some of the people who are involved in collective bargaining with workers in Ontario today.

### FIRE PREVENTION WEEK

**Mr Wildman:** In response to the remarks of the Solicitor General (Mr Offer), we join with him in giving congratulations to the award winners and expressing our appreciation this week to professional and volunteer firefighters across the province. The figures he cited were indeed very serious and cause for grave concern. I would just like to point out to him that in northern Ontario the loss figures are twice as high as they are in the rest of the province.

It is unfortunate really that the Fire Services Review Committee that he has set up does not have a wider mandate, not only to look at the legislative base and the training of firefighters but also to look at the equipment that is available to small rural municipalities and the grants that this government provides them to ensure they can buy the kind of equipment, the highly sophisticated and expensive equipment they need in order to lower those loss figures in terms of property loss and lives lost in this province as a result of fire.

He will remember that a resolution was passed unanimously in this House supporting the view that the provincial government should be providing small municipalities with the funding required to purchase the equipment they need and this government has yet to act on it. Unfortunately, his review committee does not have a mandate to recommend that the government follow the views of the Legislature.

### ONTARIO GOVERNMENT WASTE MANAGEMENT STRATEGY

**Mrs Grier:** We welcome the statement of the Minister of Government Services (Mr Ward). I have three copies of the statement now and I can assure him that I will recycle them because the members of this caucus have had Paper Savers on their desks and blue boxes outside their office doors for quite some time now, and as the minister says, it is important to lead by example. I am glad the government is following our example.

I hope the government will go a step farther and require the newspapers of this province to use recycled newspaper, that it will begin to look seriously at reducing packaging, not just investigating the need to reduce packaging, and that it



will begin to look seriously at implementing regulations that require construction to incorporate the three Rs in the design, construction and repair of government buildings. It is not good enough to issue numerous releases. It is important to begin working towards implementing it.

#### TRANSIT LABOUR DISPUTE

**Mr Cousens:** During the past six weeks, the citizens of Metropolitan Toronto and the greater Toronto area have been subjected to one of the longest-running public transit strikes in recent history. The Minister of Labour (Mr Phillips) in his statement today says the legislation will provide for the arbitration of a new collective agreement between the Toronto Transit Commission and Local 113 on all issues except part-time employment.

Members of our party are pleased that this action by the government has led to the resumption of transit service, but for how long? Both sides of the dispute will tell you that the issue of part-timers was the source of the trouble. So what does the government do? It leaves the most contentious issue in the hands of a fact-finder who has no binding settlement powers other than to investigate and report to the minister, the Toronto Transit Commission and the union. From there, negotiations start all over again.

Enough is enough. The proposed legislation should have enough teeth to absolutely guarantee a decision on this matter; if not, we may find ourselves into another strike. Just ask the commuters in Metro and the GTA how they would feel about that.

#### ONTARIO GOVERNMENT WASTE MANAGEMENT STRATEGY

**Mr J. M. Johnson:** I would like to comment to the Minister of Government Services (Mr Ward) about his latest initiative, and I suppose it is his first initiative in office. I would like to commend him for taking this step in the right direction, but I would also like to point out that he himself could start. By example, he sent over the two-page notice in a brown envelope. He could have saved sending the brown envelope, just putting the name on top of the sheet of paper. If he requires some good common sense on that side, he can just give me a call and I will be pleased to help him out.

**Mrs Marland:** I think the more significant announcement that could have been made by the Minister of Government Services today would be to say that he was going to take some initiative

from some of the European countries, particularly West Germany, where the government makes it compulsory that all paper that is used by that government is recycled.

I also find that the statement says the government of Ontario is committed to protecting the environment. I would say in response that he should ask the people in Scarborough who have been fighting to save the Rouge Valley or the people who live in the village of Whitevale who are concerned about the landfill site, and most important of all, ask the people of this province who are concerned that interim landfill sites have been exempted from the Environmental Assessment Act and we have no definition whatsoever for what is an interim landfill site.

#### FIRE PREVENTION WEEK

**Mr Villeneuve:** May I welcome the new Solicitor General (Mr Offer) to the front line of fire by his recognizing the 67th anniversary of Fire Prevention Week. I must tell him that initially both the Solicitor General and the Minister of Skills Development were queried very intensively by yours truly on funding for volunteer fire departments that we take for granted out in rural Ontario, funding that would improve their skills in lifesaving and firefighting. They were denied that in spite of the fact that some volunteer fire departments were approved for funding through the Ministry of Skills Development.

I welcome two new ministers to these portfolios. They must not take our volunteer fire departments in rural Ontario for granted. They are doing an excellent job of protecting life and property out in rural Ontario and they must be provided with funding so that they can upgrade their skills and continue doing the job we expect of them. I look for a change in the way both the Solicitor General and the Minister of Skills Development handle volunteer fire departments.

1410

#### VISITOR

**The Speaker:** Just before I call the next order of business, I know all members would want me to draw your attention to a visitor in the lower east gallery, a former member, Albert Roy.

#### ELECTION OF COMMITTEE CHAIRS

**Mr Harris:** On a point of order, Mr Speaker: I think that on this first day of the new standing orders it is appropriate that I raise with you a point of order. Standing order 111 on page 37 of our new grey book states, "Each standing



committee shall elect a chair and a vice-chair at its first meeting in each session and, if necessary, during the course of a session."

As we embark on these new standing orders, and we have announcement after announcement and proclamation by the Premier (Mr Peterson) of the independence of committees and the new importance we are attaching to committees, we hear from the new House leader at the last House leaders' meeting, his first one, announcing the independence of the committees: "I do not know," he said, "what is going to happen until the committees decide, because they, of course, decide their own business."

And yet, on 20 September, before the committees have met to select their chair or vice-chairs, the Premier has a press release out announcing the new list of committee chairs, representing the committees of the Legislative Assembly of Ontario, which will take effect on the return of the House. Here is a list of the committees.

What we have here, I would suggest, are the Premier's nominees that he plans to put forward as the committee chairs. We, of course, will probably have our list of nominees and the New Democratic Party may have its list of nominees. But this is typical of the arrogance of this government when it pertains to the committees of this Legislature.

## ORAL QUESTIONS

### TEMAGAMI DISTRICT RESOURCES

**Mr B. Rae:** My question is to the Premier. I would like to ask the Premier a question about the destruction of the environment in Temagami, about his government continuing to assist in the construction of a logging road and to allocate cutting rights in an area that has been seen around the world as one that needs to be protected.

The Premier will have received a petition signed by 65 scientists in Canada and the United States asking for a moratorium on the logging of the old-growth pine forest in Temagami and pointing out that this forest has value that is literally in need of worldwide protection. I would like to ask the Premier: What is his personal response to this petition and to the worldwide concern that has been expressed about the destruction of this environment?

**Hon Mr Peterson:** I think the Minister of Natural Resources can help out the honourable member.

**Hon Mrs McLeod:** I welcome an opportunity to respond to the questions which I know members of the opposition will have on the issue of Temagami. I am certainly very much aware of

the Leader of the Opposition's very real concerns about this issue. I guess I would like to preface my comments by saying that I truly believe we share the concerns and that we have been struggling to find ways to address them.

He raised two points in his question. One is the issue of the road construction, and we believe we have to pursue the road construction because we are accessing quite large areas of timber, only 10 per cent of which is red and white pine.

I think the second question the member raises is one of the issue of cutting in areas of old pine growth. That does, in fact, raise the whole question of our plans for harvest. I think we have done a lot to achieve the kind of balance we are looking for with both protection and preservation of the old pine forest, but I do believe there may well likely be more we can do. We have in fact been looking, as we develop timber management plans, at the old growth areas, where those areas exist and how those should be considered in any timber management plans we make. I would like to assure the member that we will not be clear-cutting in sensitive areas that are identified.

**Mr B. Rae:** I am sorry that the Premier would choose not to answer a question which speaks to the fundamental integrity of this government's approach to the protection of the environment in Ontario. That is what we have seen, the Premier ducking—

**The Speaker:** Order. Do you have a supplementary?

**Mr B. Rae:** I will address my supplementary to the minister, since the Premier is ducking out of this question and refusing to answer it.

Interjections.

**Mr B. Rae:** Well, is he there? Where is he? Is he there? No, I do not see him there.

I would like to ask the minister this question. If the minister is serious about wanting to protect the old-growth forest, I wonder if the minister can tell us why it is that both the native band in question, the Teme-Augama Anishnabai band, has asked for a moratorium on the construction of the road, and the international scientific community has asked for a moratorium on the construction of the road, and they have asked for a clear agreement from this government that it will recognize the integrity of the native land claim and recognize finally the importance of the environment to the people of Ontario—

**The Speaker:** The question?

**Mr B. Rae:** I want to ask the minister: Why has her government, in hard political terms, rejected both the land claim and rejected the

claim of the international scientific community when it comes to the protection of the old-growth forest?

**Hon Mrs McLeod:** I would suggest that we have not denied the concerns of either the Teme-Augama band or those people who are concerned with the recognition and protection of old-growth pine forests. I think the honourable member well knows that there have now been two court decisions on the Teme-Augama land claim, and that issue is still before the court. It has been placed before the court by the Teme-Augama band.

I would also like to stress the fact that we are not ignoring the concerns of either the native people in the Temagami area or those people who bring concerns about the old-growth pine forest and related environmental questions.

We have set up the Temagami Advisory Council. It is the first time that a citizens' advisory committee of this nature has been established. We will not be undertaking harvesting in that area, any new approvals for harvesting, without the advice of that committee. We have encouraged and will welcome the participation of both the native people and any of the environmental groups, including the Temagami Wilderness Society.

**Mr Wildman:** I have a supplementary to the new minister, despite the fact that it was difficult to hear her because of the former minister.

If the minister is concerned about harvesting in the old-growth area and is determined to ensure that there are jobs for the mill workers and bush workers in the area, could she explain why it is that her ministry has not allocated the Shining Tree limits, limits which are not too far distant from the area and which are nowhere near the old-growth area, which could indeed provide jobs for Liskeard Lumber and for William Milne and Sons? Why is it that the head of the forest resources group, Trevor Isherwood, has said that area has not been allocated to anyone? If it is not allocated, why not allocate it to the mills that need it and get out of the old-growth area?

**Hon Mrs McLeod:** Again, I think we have to recognize that what we are involved in, not only in the Temagami district but right across northern Ontario, is our best possible efforts to make good long-term plans for the management of the forest and also to recognize our commitment to the forest products industries across northern Ontario.

We are looking at the available wood resources in the Temagami district, that those will include the Shining Tree area, as we look

towards our ability to meet our commitments for wood supply for future allocations. We are not ignoring the old-growth pine areas as we look at our timber allocation plans for the future and our harvesting practices in that area. Obviously, the extent to which we set aside large areas for preservation, as we have in the Temagami area, has a very direct effect on our commitment of wood supplies in the future and we will be looking at all available wood throughout the area.

**1420**

#### AUTOMOBILE INSURANCE

**Mr B. Rae:** I do not know whether the Premier is going to answer this question or not, since he seems determined to avoid answering any questions put to him in the House.

Interjections.

**Mr B. Rae:** Well, we will see.

My question is to the Premier. He will recall his famous declaration in Cambridge a little over two years ago. It was recalled by many of us because he made it just a few short hours before the election of 1987; that is the famous Cambridge manifesto in which the Premier stated that he had a very specific plan to lower automobile insurance rates—just to remind you of that, Mr Speaker, because you will recall that election vividly.

This summer, while we were on break, one of his cabinet members announced a plan which provides for taking rights away from individuals who are injured in accidents, taking rights away from them—

**The Speaker:** And the question?

**Mr B. Rae:** —so that people will end up getting less, and yet the minister admitted that there could be as much as an average eight per cent increase for drivers and that he had no way of ensuring what the rate increase would be.

**The Speaker:** The question?

**Mr B. Rae:** I wonder if the Premier can tell us: Is the plan announced by the minister the same plan the Premier told us about when he said he had a specific plan to lower the rates?

**Hon Mr Peterson:** I think the minister can help the honourable member.

**Hon Mr Elston:** First of all, the honourable gentleman has obviously been busy considering a number of other things lately and has not had a chance to read the draft material, about the requirements that are put in the draft circular of legislation to be introduced later in this term. I can understand their concern, because they have



not been able to do their work while they have been disadvantaged by their leader's decision about whether to run in the federal riding of Oshawa or not.

But we have been busy putting in place a system whereby each individual company must file its rates, before they can be used, with the new commissioner. I can tell the honourable gentleman that we will exercise a very strong control through that strengthened office to ensure that fair prices exist in Ontario.

I can tell the honourable member as well that this plan has followed up on three consecutive years of capping of rates, and is in fact going to result in a saving over what might have transpired had this government not been active and dedicated in protecting the rights of the consumers of the province.

I would also just like to indicate quite clearly that what we have done is increase the benefits under the no-fault sections of this policy in a way which had been suggested by many before. In fact, we have gone further to ensure that homemakers now receive—

**The Speaker:** Thank you.

Interjections.

**The Speaker:** Order. I would remind the questioner and the responder that I did allow 95 seconds, which seemed quite long, for a question and a response. Perhaps the supplementary could be a little briefer, as well as the answer.

**Mr B. Rae:** It is perfectly clear now that the insurance industry of Ontario got the government and the Liberal Party that it wanted to rent back in 1987; that is exactly what it got. You have given the insurance industry, which across the board is making hundreds of millions of dollars in profits, \$143 million in written-off OHIP expenses and in a tax write-off for the insurance companies. That is what you have done; that is what you have done on the backs of consumers—

**The Speaker:** And the question?

**Mr B. Rae:** —and you have taken away from consumers the right to sue and the right to protection.

Can you explain why you have given the insurance companies that much money, given it away to the insurance industry in this province, and taken away rights to sue from consumers? Why have you done that?

Interjections.

**The Speaker:** Order. Just before I recognize the minister, I might remind all members, in case they have forgotten over the summer recess, that the tradition in Parliament is really to address

your comments through the chair. It might be helpful. I will now recognize the minister for a response.

**Hon Mr Elston:** Again, the member from the New Democratic Party is not correct in the way he chooses to put the facts to the people of the province. He has indicated that we have taken away the right to sue. We have retained the right for people to sue in serious situations. There is the use of the tort system.

The honourable member has also suggested that there is a tax write-off to the insurance companies. That is in fact not correct. What we have done is taken the three per cent premium tax away from the consumers of the province. We have said, "You must pay for this item so that you can have a licence to drive your automobiles in Ontario," and we have taken that three per cent tax off that premium because they require it to do their daily business and to go about their living.

We have seen that as a positive step to assist people in having affordable product. The honourable gentleman is not thorough enough in putting the beneficial material about this program to the people. He has not indicated that we have increased coverage for students and for those people who are deemed to be employed under our statute. He has not indicated that seniors will also have increased coverage. He has not indicated that those people who suffer very serious and permanent injuries will be able to sue in the courts as before. He has not indicated, as will be the case, that there will be quicker and speedier recovery for those people of lost wages and other things. He must be more thorough in putting forward the full case, to have a balanced presentation.

**Mr Kormos:** What he said is that thousands and thousands, indeed the majority, of innocent, injured persons will never get any compensation for their injuries under this scheme, which was begged for by the insurance industry. The government knuckled under; the government is its servant, no two ways about it. The minister can talk about enhanced no-fault benefits. Those no-fault benefits were there before.

What about the injustice of an innocent person not being able to collect wages above and beyond the cap or the ceiling of \$450 that he dictates? What about the justice of the inadequacy of—

**The Speaker:** Thank you.

Interjections.

**The Speaker:** Order. I just reminded all members that it would be helpful if all members would address their comments through the chair.



**Hon Mr Elston:** The honourable gentleman raised a couple of points about collection of wages. I can indicate quite clearly to him, through you, Mr Speaker, that there is certainly going to be a requirement that the companies offer an increase in the amount of wages a person may want to have covered for their own personal benefits. There is going to be an ability to shop for those extra coverages. There is going to be an ability to customize, to personalize their coverage of insurance in a way which consumers were probably not aware they could before.

This, taken in conjunction with our comprehensive plan to reduce accidents by having better traffic monitoring, by having higher fines for bad drivers, by having tougher regulations against impaired drivers, by putting more police officers on the road to enforce our statutes to ensure that the bad drivers do not get away with their bad driving, will ensure that the public in this province will be much better served by this new product, this comprehensive program, the Ontario motorist protection plan, than they have been to this point.

All I ask of the opposition is that it provide a balanced and fair presentation of all aspects of this program to the people, so that the people can—

**The Speaker:** Thank you. Order. New question, the member for Sarnia.

[Applause]

**Mr Brandt:** I know this is the one moment of glory, and one should take advantage of it. I have a question for the Premier and to save the time of the House I will redirect it myself.

**The Speaker:** Your question is to which minister?

**Mr Brandt:** It is a question with respect to insurance, and coming on the heels of the question raised by the leader of the NDP. I would like to ask the minister: In light of the fact that there was a study commissioned by Justice Coulter Osborne in 1986—and the conclusions and the findings of that study were tabled, I believe, in February 1988—the minister will realize that in that particular report, which I have brought along with me and which I would like to quote from directly, there was in fact a comment made by Justice Coulter Osborne which specifically advises against the plan for insurance which the minister is proposing for this province.

**Hon Mr Bradley:** Taken out of context.

**Mr Brandt:** Taken from the Osborne report, not out of context, I say to the Minister of the Environment (Mr Bradley): “Threshold no-fault

should be rejected because it is relatively inefficient and unnecessarily arbitrary. There will be no or minimal savings on transaction costs in threshold no-fault.” End of quote, not taken out of context.

**1430**

**The Speaker:** And the question?

**Mr Brandt:** I ask the minister, and my question is, in light of the fact that \$1.4 million was spent by his government preparing this extensive report, why is it that he has found nothing within the Osborne report which was of value and he has brought in an entirely new system rejecting entirely the \$1.4-million report which he commissioned?

**Hon Mr Elston:** The honourable gentleman has indicated we have rejected all parts of the Osborne report and that is not again correct.

**Hon Mr Bradley:** No, that is not right.

**Hon Mr Elston:** The fact is, there were recommendations about the increase of the no-fault side of that, the benefits, the fact that they had not been increased, and in fact what we have done is we have gone substantially beyond some of the things that Osborne recommended and increased the coverages on a no-fault basis because we saw there was a need to move quickly into a more socially acceptable support system for auto accident victims.

The homemakers are receiving now \$185 a week, students, seniors, others, the fact that we have supplementary medical and rehab services at a limit of \$500,000 and the long-term care provisions at \$500,000 actually go a long way to addressing some of the concerns that Osborne has indicated in his report. In fact, we have used the Osborne report extensively.

In addition to that, we have taken very seriously his recommendations that if there were no-fault benefits in place, there ought to be more stringent requirements, requiring auto insurance companies to provide better service for their insured. In fact, that is what we are doing as well. So lest the leader be under some misapprehension about how closely we read the Osborne report, we read it quite closely. We have used a lot of the material there and it has assisted us—

**The Speaker:** Thank you. Supplementary.

**Mr Brandt:** The key recommendation in that report was rejected entirely by the government as it relates to the way in which auto insurance should be handled. Let me ask the minister that in connection with the second report that was commissioned by his government, which cost something in the order of \$7.5 million, the

Ontario Automobile Insurance Board report which I have before me, in the context of that report that said, "There will be an increase in the level of driving activity by high-risk drivers and a resulting increase in accident frequency."

It went on in another part of the report, if I can indulge the time of the House for a moment, to say: "No proof that price increases in threshold no-fault states are more moderate than in other states. There is evidence that price increases in threshold no-fault systems can be significantly greater."

Since there are close to \$9 million in costs which have in fact been commissioned by the minister's government with respect to two very extensive studies, can he table for this House any studies or any reports which will in fact support the position that he is taking in connection with his policies relative to auto insurance?

**Hon Mr Elston:** The honourable leader of the third party has indicated that we spent \$7 million on the auto board report. That is not correct. Again, the operation of the auto board over the whole course of the year in the production of several reports has added up to \$7 million. That is an expensive operation, there is no question about that, but it is not with respect of that.

To tell the honourable gentleman something else about the way the report has expressed the concern, it has said, "Listen, threshold by itself will not save money," and that is true. If he takes a look at the entire report and if he takes a look at the series of reports that has come out of the Ontario auto board, he will be enlightened to find out that people have said:

"You must do something in a comprehensive manner to control costs. Eliminate accidents if possible; do a whole series of things to make better drivers out of all of the people in the world; make sure the poor drivers pay the price of their poor driving; make sure that you enforce your statutes much more thoroughly and increase fines."

We have taken all of the material along those lines and brought it forward and come up with a comprehensive package that will ensure that in fact we are taking the most dedicated steps towards eliminating accidents. We want to be sure that the people in the province are driving in a safe atmosphere. We want to be sure that, as much as possible, we prevent deaths, that we prevent injuries—

**The Speaker:** Thank you. That is a thoroughly comprehensive answer. Final supplementary.

**Mr Brandt:** Final supplementary to the minister. In view of the fact that \$9 million has

been spent—now the minister argues not all of it on this report—but certainly he would know that the hearings that were conducted with respect to this particular report were conducted as part of the findings that were finalized in the document itself. Surely the minister will realize that \$9 million was spent there.

Surely the minister will realize in addition that he granted through his own devious methods some \$145 million to insurance companies. He in fact has granted very substantial millions of dollars in addition to giving the insurance companies in this particular new process that he has devised a system—

**The Speaker:** Order. Would the member take his seat.

**Mr Brandt:** Can the minister provide any studies that show—

**The Speaker:** Order. Minister.

**Hon Mr Elston:** It is too bad the honourable gentleman was not more thorough in his reading of the material than he was for the standing orders. He was thorough about his language so he would not be thrown out, but I can tell the honourable gentleman that the results of the studies—Slater, Osborne and the OAIB—are cumulative in the sense that we brought them all together and we have seen what was recommended in Osborne about better no-fault.

Take a look at Slater and see what he recommended. Take a look at the OAIB and see what it really argues for in a very concerted way is the presence of a very strong regulator, and in fact there is a very strong regulator present in our draft legislation, the legislation which will be presented here later in this session.

We are taking to heart the recommendations that we must prevent accidents from happening. That more than anything else is going to be a benefit for our society, so we have come up with a comprehensive package, and I agree with the member that we have at its centre the insurance policy. But we did not stop there. We have the Minister of Transportation (Mr Wrye) who is doing his part. We have the Attorney General (Mr Scott) who is doing his part. We have Consumer and Commercial Relations—

**The Speaker:** Thank you.

Interjections.

**The Speaker:** Order. That completes this debate.

ONTARIO HUMAN RIGHTS COMMISSION

**Mrs Marland:** My question is to the Minister of Citizenship. On 25 July of this year, his

predecessor stood in this House and spoke in support of a government motion referring the Ontario Human Rights Commission to an all-party legislative committee. At that time the member for Etobicoke-Rexdale (Mr Philip) said, and I quote:

"There has been a cloud over the Ontario Human Rights Commission, and I think this inquiry in an open way will help to get certain matters out into the open where we can look at them and make some recommendations to ensure that that cloud disappears. There have been a number of irregularities—inadequate priority given to identifying candidates of visible-minority groups in hiring, no employment equity program in place at the time"—

**The Speaker:** And the question?

**Mrs Marland:** —and at which time the committee would like to look at a top-down approach in staffing. My question to the minister is this. Does the minister agree and support the member for Etobicoke-Rexdale's opinion, to lift the cloud and have a full and open inquiry before the legislative committee?

**Hon Mr Wong:** I believe that my predecessor made a statement. I believe the government has lived up to that commitment. An operational review report was completed looking into the matters which the member raised. The authors of that report appeared before the standing committee on government agencies.

In addition, there were two reports written by Coopers and Lybrand. Again, the authors of those reports appeared before the standing committee. Furthermore, the ministry has, in written form, tabled a statement reviewing how the ministry and the Ontario Human Rights Commission responded to these reports.

So the standing committee in its wisdom decided that it had more than enough information and that rather than rehashing the past, now was the time to begin to look at the future. I am very pleased that the new commissioner of the commission will be appearing before the committee.

1440

**Mrs Marland:** The one mistake that the minister has made, however, is that the statement of the former minister was made after the interministerial government review committee report, not before.

I would like to tell the minister that last Friday six Liberal government members voted against having an invitation extended to Raj Anand, the former chief commissioner, and other former

employees to come before that committee, in spite of the fact that Mr Anand himself said that he would welcome the opportunity to appear before a legislative committee and the former minister said he thought that was a very good idea. We now have in writing information which puts into question the government's internal review committee's report on the Ontario Human Rights Commission.

Mr Amin, one of the co-authors of that report, told the members of our standing committee on government agencies last week that they were not aware of a person by the name of Lynn Dowling.

**The Speaker:** Question.

**Mrs Marland:** The people of Ontario deserve better than this whitewash. My question to the minister is this: Will he instruct the Liberal members of the standing committee on government agencies to vote in favour of at least hearing both sides of this issue by inviting Raj Anand and other former Ontario Human Rights Commission employees to come before the committee?

**Hon Mr Wong:** The standing committee is an independent committee made up of members who are very responsible. As I indicated, more than enough information and analysis has been completed. I am sure the committee members, in their own wisdom, will come to the correct judgements and decisions.

**Mrs Marland:** I suppose we do not know what this minister wants. At least we knew what the former minister wanted.

I think it is very significant that the minister says that this committee is independent, because I am about to quote to him another independent source. I quote to him the Information and Privacy Commissioner who last week issued order 99, and I just want to read a quote to him. In this order, Commissioner Sidney Linden says:

"In my view, the desirability of subjecting the institution to public scrutiny and restoring public confidence in the integrity of the institution outweighs any invasion of the privacy of the successful candidate which would be brought about by the disclosure of her employment history."

**The Speaker:** Question.

**Mrs Marland:** My question to the minister is this: If Commissioner Linden, who is nonparty, non-Legislature, noncommittee, thinks that this is of such compelling public interest that the Ontario Human Rights Commission must release this information, would the minister not—

**Mr Speaker:** Thank you, Minister.



**Hon Mr Wong:** On the one hand, the honourable member suggests that the minister should be directly telling the standing committee members what to do, and I have indicated that there is independence of the committee. On the other hand, Commissioner Linden has made his viewpoint known.

Again, I believe it is the responsibility of the standing committee members to make a determination on how best to look at this matter, but, as the committee members said the other day, they are prepared to begin looking ahead to ensure that the Ontario Human Rights Commission is both strong and independent in its own right.

#### LAND USE AND DEVELOPMENT

**Mrs Grier:** My question is for the Premier. It concerns the document entitled Reforming Our Land Use and Development System, but I see that from the media today it is called Project X. Can the Premier tell the House whether or not he supports the principles embodied in this report?

**Hon Mr Peterson:** The Minister of Housing can help the honourable member.

**Hon Mr Sweeney:** The honourable member is well aware of the fact that builders and developers and municipalities across the province have been indicating for a very long period of time, even before this government was formed, that the existing planning and approval process is unduly lengthy.

The Premier has clearly indicated to my ministries, both the Ministry of Housing and the Ministry of Municipal Affairs, that he wishes that to be rectified. Project X that the member refers to indicated some ways in which that might be done. It has been clearly identified as not—let me underline that—as not government policy but simply a discussion document as to some of the ways in which that might be done.

I would emphasize for the honourable member that the term “sustainable” appears in that document on a number of occasions. Let me clearly say to the honourable member that in the lexicon of this government sustainable means environmentally sustainable.

**Mrs Grier:** The minister will also know that in the document appears the phrase “sustained development” and it is unclear when one reads the document which adjective in fact is the correct one. Can the minister tell the House whether in the directions that the Premier (Mr Peterson) gave that the approval process be speeded up, it was the intention or is the intention of this government to destroy the environmental assessment process, to make a mockery of claims

of open and consultative process and to send a signal to all of the developers and speculators that exist in this province that it is open season on raw land, as the document terms agricultural land? Is that the kind of speedup that this government wants to see in place?

**Hon Mr Sweeney:** The answer to the question is clearly no. It is not a case of speeding up for the sake of speeding up but rather of asking ourselves in clear language how can we do the kind of job that needs to be done. How can we protect the environment? How can we protect agricultural land that we want protected? How can we protect wetlands? How can we be sure that proper transportation corridors are in place? How can we be sure that the affordable housing priority of this government gets the attention and support that it needs? How can all of those things be done in a more effective, more productive way?

We are being told by everyone who is involved in this process at the present time that there are ways in which you can cover all the things that have to be done, but do it more effectively. One way, for example, is doing a number of approvals concurrently, asking several agencies to look at the same request at the same time rather than to do it in sequence. That is just one small way of doing it. That is the whole purpose.

Can we provide the opportunity for affordable housing in this province by shortening the time line? Because so many people are telling us with the time line as long as it is now, the price of land is inevitably going up higher than what it ought to. A number of smaller builders and developers who would like to be a part of the process—

**The Speaker:** Thank you.

#### CANCER TREATMENT

**Mr Eves:** I have a question of the Minister of Health and it concerns patients receiving treatment at Princess Margaret Hospital. I would like to remind the minister that in this House on 14 June of this year she said that one of her priority areas, and I quote, for the ministry as “part of our specialty care action plan” was to make sure that all cancer patients could receive radiation treatment here in the province of Ontario. On 22 June, she went on to say that, “We are doing it so that people will have access to the care they need” as she so nicely says, “when they need it, as close to home as possible.”

How does the minister coincide those statements that she made in this Legislature during the month of June of this year with the fact that Princess Margaret is now saying that patients may have to travel outside the province of

Ontario, indeed outside the country of Canada, to receive the radiation treatment they need? What happened to her specialty action plan?

**The Speaker:** Order. The question has been asked.

**Hon Mrs Caplan:** I know of the member's concern. I know he cares as much as I do about making sure that cancer patients have access to the care that they need when they need it. He knows as well that this is a priority for the ministry and that we have been working with the Princess Margaret Hospital, the Ontario Cancer Treatment and Research Foundation, as well as the Canadian Cancer Society. We have established a Cancer Patient Referral Office at the Princess Margaret Hospital to ensure that people get the care that they need when they need it and as close to home as possible.

**Mr Eves:** A minister and a government that prides itself in a world-class health care system, as they say, now is admitting that as close to home as possible in some cases may mean Newfoundland, Nova Scotia, New Brunswick, Manitoba, Saskatchewan, Alberta and the United States of America. Is that the minister's idea of a world-class health care system? Is this her specialty plan to make sure cancer patients receive treatment as soon as possible as close to home as possible? Where is her plan? What is she doing with it and why can the people not get the treatment here in the province of Ontario?

1450

**Hon Mrs Caplan:** As I said to the member, we have been working in partnership with all those who care, as I do, about seeing that people get the care they need. Let me quote from the letter I received from the chairman of the Princess Margaret Hospital.

"The board and the senior staff were very pleased that a co-operative approach has been reached among the OCI, Princess Margaret Hospital, the Ontario Cancer Treatment and Research Foundation and the Canadian Cancer Society with the support of the Ministry of Health and endorse the view that a system-wide partnership response is imperative."

He ends his letter by saying, "I want to express to you our sincere thanks for your rapid response to the needs of the cancer patients at this time."

Interjections.

**The Speaker:** Order. I will just wait, again. Do you want to waste the time?

#### DAIRY INDUSTRY

**Mr Tatham:** My question is to the Minister of Agriculture and Food. The farmers in Oxford

county have been asking me questions and it has come to my attention that the GATT panel report on Canadian import restrictions on ice cream and yoghurt has found that Canada is in contravention of GATT rules. Can the minister advise the House what is his ministry's position on this ruling and what he plans to do?

**Hon Mr Ramsay:** I would like to thank my friend from Oxford county. I must say, as has been mentioned here, that maybe the answer to his previous concern as addressed in members' statements is the superior quality of Oxford county cheese. I thank him for his wonderful hosting this summer.

I too share the member's concern of the GATT panel decision against Canadian yoghurt and ice cream. I feel that this has very serious ramifications for the future of the Canadian dairy import quota and the operating of the Canadian dairy supply management scheme that we have in this country.

On 18 September, I wrote Mr Mazankowski, the federal Minister of Agriculture, expressing my concerns and stating to him that if it was his intention to implement this ruling, I would at least ask that this ruling be delayed until the completion of the Uruguay round of talks.

**Mr Tatham:** We have to skate with our heads up. I have been informed that the dairy industry in the United States is attempting to break into the Canadian market through the use of the GATT panel ruling. However, the United States has a mechanism to protect its own market. Is this in fact the case and could the minister elaborate on the US situation?

**Hon Mr Ramsay:** That is correct. The irony of the free trade deal of course is that existing trade law that is existing upon the signing of that deal remains. Unfortunately, the United States has a waiver under GATT that prevents ice cream from being imported into the United States. While the United States is trying to access Canadian markets for its ice cream and yoghurt, it has trade law in place that is standing today under free trade that prevents Canadian access to yoghurt and ice cream in that country. I think it is obviously unfair, inequitable and intolerable. This government supports the dairy farmers of this province in trying to fight this.

#### CORRECTIONAL OFFICERS

**Mr Farnan:** My question is to the Minister of Correctional Services. The number of correctional staff has remained static since 1985 while there has been a steady increase in inmate population, an increasingly volatile population.



As a result, the correctional institutions are not only overcrowded but constitute dangerous workplaces. Last year, buildings originally designed to house 2,700 inmates had 4,446 inmates, 64 per cent over the design capacity.

When will the minister recognize that overcrowding is not a temporary phenomenon, that the health and life of correctional officers are being put at risk and that the ministry must provide a guarantee of adequate staffing ratios within the building design capacity?

**The Speaker:** Order. Just before I recognize the minister to respond, I would say to all visitors, we are glad you are here to listen to the proceedings; however, it is not correct for any visitors to participate or demonstrate in any way.

**Hon Mr Patten:** First of all, I would like to say to the member for Cambridge, I look forward to working with him as critic for Correctional Services. I would also like to welcome some of my ministry officials here today. When they see some of the working conditions here, I think they might have a greater appreciation for some of their own.

The member for Cambridge made a comment that suggested the staffing has remained constant over the years. Indeed, the staffing percentage in relation to the people whom we are responsible for has increased considerably since 1984, to a far higher degree.

The issue he talks about is one of importance. There is no question that from time to time we do have some fluctuations in our inmate counts. He will well know that when that happens, there are procedures in the ministry in order for us to deal with that, whether it be related to transfers or whether it be—

**The Speaker:** Thank you. Order.

**Mr Farnan:** There is overwhelming evidence that accidents and illness are high among correctional officers, and many officers do not live to enjoy retirement. No wonder that correctional officers are asking for early retirement provisions similar to those for police officers, firemen and OPP officers, who can retire before the hazards of their job catch up with them.

Given that federal correction workers and correction officers in Newfoundland, British Columbia and other jurisdictions have early retirement plans, will the minister act to bring in changes to pension legislation to improve the early retirement provisions for Ontario's correctional officers?

**Hon Mr Patten:** The member may well know that the collective bargaining process is in place

at the moment, but it is the Human Resources Secretariat that does the bargaining on behalf of our ministry related to our employees. Within the ministry, we have employee-staff committees that meet from time to time and discuss the situations that face many of the correctional officers. These are in all of our institutions; they meet and identify the problems they face and come up with solutions.

The member may also know that there is a request for arbitration going on right now. I am not sure if there was a date that was named today or not. As part of those discussions, there will be some examination of the nature of the benefits and the wages.

## POLICE PURSUITS

**Mr Sterling:** I have a question of our new Solicitor General. This past weekend a high-speed police pursuit in Rockland, near the city of Ottawa, resulted in the death of an innocent 21-year-old man.

In January 1987, I asked the then Solicitor General, the member for Kingston and The Islands (Mr Keyes), what he was going to do about police chases. At that time he said a final submission would be placed before cabinet within weeks of that time. The member for Kingston and The Islands has resigned.

The next Solicitor General, the member for London South (Mrs E. J. Smith), also answered a question in the Legislature and said there was imminent action with regard to police chases that was going to happen in this government. Nothing has happened. The member for London South has gone.

Now the member for Mississauga North (Mr Offer) is the Solicitor General. Can we hope for some resolution from him with regard to police chases and the policy surrounding that problem?

## 1500

**Hon Mr Offer:** As the honourable member has indicated quite rightly, last Saturday there was a police pursuit which resulted in death. I would like to indicate to the member that following this, an immediate investigation has been undertaken by the Ottawa Police Force. Accordingly, since at this time they are investigating the matter, it is both premature and inappropriate for me to comment on the issue. However, I would like to say that, though it is inappropriate to comment on the facts of the particular case, it is not inappropriate for me to comment generally on the issue of police pursuit.

When I was first appointed to this position, I was introduced to a number of issues within the



ministry; one was the issue surrounding police pursuits. I would like to indicate that I personally have placed a very high priority on this issue. We have been working in consultation, through my ministry, with a number of individuals. I believe we will be introducing province-wide guidelines with respect to police pursuits. The paramount consideration will be the interest of the public.

**Mr Sterling:** A report with 27 different recommendations was given to this government in 1985. The Solicitor General has indicated to us that it is a priority. Will the Solicitor General tell me when he is going to do this so that in fact we can have a date, because in the past other solicitor generals have promised action but have never brought it to fruition. Will he promise me and the people of the Ottawa-Carleton area who have suffered this fatality over the past weekend a date as to when this is going to happen?

**Hon Mr Offer:** As I indicated earlier, since my appointment to this ministry, I personally have placed a very high priority on this issue. I cannot give the member an absolute date at this point in time, save as to the fact that we are currently reviewing the existing guidelines. As the member will be aware, there is one guideline for the OPP and there are guidelines on a municipality or regional police force base across the province. I believe it to be the responsibility of this ministry and this minister to have province-wide guidelines dealing with the issue of police pursuits, and that is what I intend to do.

### GOODS AND SERVICES TAX

**Mr Chiarelli:** My question is to the minister responsible for senior citizens' affairs. As the minister will know, my riding of Ottawa West has the largest number of seniors of any riding in Ontario. First, those seniors would want me to congratulate the minister on his new appointment, but they are quite concerned about the proposed goods and services tax of the federal government.

Don Blenkarn, chairman of the federal House of Commons finance committee, which is currently studying this proposal, stated recently that the proposed goods and services tax will not hurt seniors, and yet he is quoted as saying: "Older people don't wear out their clothing and don't wear out their furniture. They live at a slower pace and they don't spend money." Would the minister please comment?

**Hon Mr Morin:** I want to thank my colleague the member for Ottawa West for asking me this question and for giving me the opportunity to introduce myself as the new minister responsible

for senior citizens' affairs. In response to his question, the chairman of the federal committee—

**An hon member:** What's that on your desk?

**Hon Mr Morin:** My notes. The chairman of the federal finance committee is promoting stereotypes that Ontario's older adults find very offensive, and so do I. In the two months since my appointment as the minister responsible for senior citizens' affairs, I have travelled extensively throughout the province and had the opportunity to meet many senior citizens that are more energetic than many of us here. One has only to see a headline in today's paper that describes one of our most famous senior citizens at 70 as energetic, fit, sexy and enjoying life.

In response to the federal member's statements I would also like to quote a letter to the editor of the Toronto Star—

Interjections.

**The Speaker:** Order. With respect, it has been a fairly lengthy response and our standing orders are very clear there. If it takes a lengthy response, one should respond in writing.

Interjections.

**The Speaker:** Order. The member might wish to try a supplementary.

**Mr Chiarelli:** Can the minister tell the House what he will be doing to reassure these senior citizens and to help protect them against the uncaring federal government?

**Hon Mr Morin:** I would also like to quote a letter sent to the editor of the Toronto Star last week from a Mr Harvey who says, "We have many friends who are seniors who have a lifestyle every bit as outgoing as younger people, and who will be seriously affected by this infamous tax."

As minister responsible for senior citizens affairs, I view it as a part of my responsibilities to address the stereotypes of ageing and let it be known that Ontario's older adults are a force to be reckoned with on this issue and every other.

### ONTARIO HUMAN RIGHTS COMMISSION

**Mr Philip:** I have a question to the new Minister of Citizenship. The minister's predecessor stated on 8 June in this House that he welcomed an all-party inquiry into the Ontario Human Rights Commission and told the Legislature there would be "nothing that would be inappropriate to discuss with that committee.... Nothing could be more open, more fully discussed, more honest" in dealing with the matter. Why has this minister now changed that position?

**Hon Mr Wong:** We have not changed our position. First of all, it is an all-party committee. Second, the ministry is not interfering at all with the standing committee on government agencies in its activities and deliberations. We were asked to provide some input to give our opinion on the preceding reports, which I referred to earlier. We did so.

**Mr Philip:** On 8 June the minister's predecessor told the press that Raj Anand had made important contributions to the Human Rights Commission and that he felt Mr Anand would be happy to appear before the committee and outline the direction in which that commission was headed.

The government's own representatives on the steering committee holding hearings on this matter indicated that Mr Anand would be one of the witnesses and agreed to that only two weeks ago. Why has the government now changed this position to refuse the right of Mr Anand to appear before that committee? Why has the minister done such a flip-flop from the decisions made and the promises made by his predecessor?

**Hon Mr Wong:** Again, I think the important issue here is consistency and making sure a thorough job is done to make sure that the hiring practices and other matters which the committee wanted to investigate have been and would be thoroughly analysed and investigated, and to make sure that in the future the commission is operating in a very strong and independent fashion. I think the committee members of the standing committee who hold that responsibility are exercising it in as fine a fashion as they can.

#### FARM TAX REBATE

**Mr Villeneuve:** My question is to the new Minister of Agriculture and Food. Last week he met with the executive of the Ontario Federation of Agriculture regarding the unilateral changes to the farm tax rebate. This, by the way, was the first face-to-face meeting the minister had with the farming community about changes to the most significant farm assistance program in Ontario.

I would like to ask the minister why he, the Premier (Mr Peterson) and the Treasurer (Mr R. F. Nixon) absolutely refuse to accept the OFA's proposal which would have saved the government some \$16 million in payments, would have reduced by several million dollars the bureaucracy required to process this rebate and would have been much fairer to Ontario's agriculture?

**Hon Mr Ramsay:** I must say that my predecessor, upon announcing on 16 June this year the new farm tax rebate program, did meet with the federation on that morning and had a couple of meetings also during supper. The good news, I would say, is that the application forms went out on Friday, so this week farmers in the province will have these applications in hand. Those applicants coming back should be receiving cheques some time in November.

**Mr Villeneuve:** The government unilaterally slashed the farm tax rebate program. By simply setting up a steering committee, which the minister has done recently, does he expect that the agricultural community of Ontario will believe that after the fact, after he has made all the decisions in the corner office, in the office of the Treasurer, Ontario will accept these changes he has made unilaterally and will now be blaming a steering committee? Will he, if indeed he proceeds with this program, keep the financial information and the means test that he is asking farmers to do confidential to his ministry?

**Hon Mr Ramsay:** There are a couple of questions there. Most certainly any financial information will obviously remain confidential and will not be verified, as some people are saying, with the federal Department of Revenue records. That is simply not done and we certainly will not be doing that.

I am glad the member brought up the consultation committee because to me that is very important. It is important now that we get to work and work together on designing a program for next year. The federation, as the member knows, is working with the ministry in designing that. I want to assure the member that the terms of reference are extremely broad and that the committee is to look at the whole challenge of assessment and taxation on food-producing land in this province.

#### DRUG ABUSE

**Mr Matrundola:** My question is to the minister responsible for the provincial anti-drug strategy (Mr Black). I recently sent out a household questionnaire which included a question concerning illegal drug use. I received a large response, with a vast majority expressing an overwhelming concern in this area. We have also seen the United States recently announced a drug crackdown that seems to consist mainly of building more prisons to house drug dealers. Can the minister tell us what programs he would implement in Ontario in order to counteract and

curb this serious and deadly issue we are facing today.

**Hon Mr Black:** I want to thank the member for his question and for giving me advance notice of the question. He will be aware that the American thrust is one that focused largely on interdiction and on law enforcement. In Ontario, we recognize the importance of law enforcement in the fight against drugs, and I want to stress that it will be part of our strategy to continue to support the law enforcement community as it works to help us in finding a solution.

However, we also recognize that if we are to find a long-term solution it is going to rest with programs of education and prevention and with programs that have a strong component of intervention and treatment. So we hope to use a tri-pronged approach, if you like, that will help us work on programs that have long-term benefit while we keep our communities safe and secure.

### PETITIONS

**The Speaker:** I would remind members that I am sure they have read the standing orders with the new proposals for petitions.

#### ROUGE VALLEY

**Mr Cousens:** I have 36 names that were gathered at the Markham Fair having to do with the Rouge natural heritage park:

"We the undersigned, to the Honourable Lieutenant Governor in Council, strongly urge Premier Peterson and the provincial government to follow through on their commitment to save the Rouge by establishing the proposed Rouge valley and tableland provincial park.

"Furthermore, we strongly object to any provincial plans to build major highways, housing subdivisions and/or dump sites adjacent to this national wildlife treasure that should become a provincial park."

So submitted, Mr Speaker.

**The Speaker:** I would ask all members to refrain from their many, many private conversations.

#### FRENCH-LANGUAGE SERVICES

**Mr Tatham:** To the Premier and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas on November 18, 1986, the French Language Services Act of Ontario has been passed, the French and implementation procedure were not publicized to the awareness of the general public and seven elected members were

absent in the House on the above date and the majority of citizens of Ontario were not represented; and whereas at no time have the people of Ontario chosen to become officially bilingual by giving a mandate to the government by referendum; and whereas the vast majority of Ontarians speak English fluently; and whereas the implementation of Bill 8 is proceeding with enormous cost to taxpayers while cutbacks are being made in funding in health care, education, environment, etc; and whereas one official language is a practical necessity; so

"We, the undersigned citizens of Ontario, hereby affirm that we desire English to be the one and only official language, and furthermore petition the government of Ontario to repeal Bill 8, the French Language Services Act of Ontario, without delay and keep English the only official language in this province."

There are 186 signatures.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr Callahan from the standing committee on administration of justice presented the following report and moved its adoption.

Your committee begs to report the following bill without amendment:

Bill 3, An Act to amend certain Statutes of Ontario consequent upon Amendments to the Courts of Justice Act, 1984.

Your committee begs to report the following bill, as amended:

Bill 2, An Act to amend the Courts of Justice Act, 1984.

Motion agreed to.

Bills ordered for committee of the whole House.

#### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr Laughren from the standing committee on resources development presented the following report and moved its adoption:

Your committee begs to report the following bills, as amended:

Bill 30, An Act respecting Funeral Directors and Establishments;

Bill 31, An Act to revise the Cemeteries Act.

Motion agreed to.

Bill ordered for third reading.



## SELECT COMMITTEE ON ENERGY

Mr Carrothers from the select committee on energy presented the following report and moved its adoption:

Your committee begs to report the following bill, as amended:

Bill 204, An Act to amend the Power Corporation Act.

Motion agreed to.

Bill ordered for third reading.

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr Neumann from the standing committee on social development presented the following report and moved its adoption:

Your committee begs to report the following bill, as amended:

Bill 147, An Act respecting Independent Health Facilities.

Motion agreed to.

Bill ordered for committee of the whole House.

1520

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Elliot from the standing committee on general government presented the following report and moved its adoption:

Your committee begs to report the following bill as amended:

Bill 119, An Act to amend the Ontario Lottery Corporation Act.

Motion agreed to.

Bill ordered for committee of the whole House.

## STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

**Mr Callahan:** Mr Callahan from the standing committee on administration of justice, pursuant to the order of the House of 26 July 1989, presented the committee's report on the 1988 Report of the Ontario Provincial Courts Committee and moved adoption of its recommendations.

**The Speaker:** I wonder if the member for Brampton South has a few comments.

**Mr Callahan:** I have nothing to say, Mr Speaker.

**The Speaker:** I understood in the report—however, do you adjourn the debate?

On motion by Mr Callahan, the debate was adjourned.

## INTRODUCTION OF BILLS

TORONTO TRANSIT COMMISSION  
LABOUR DISPUTES ACT, 1989

Mr Phillips moved first reading of Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes.

Motion agreed to.

ONTARIO ENERGY BOARD  
AMENDMENT ACT, 1989

Mr Charlton moved first reading of Bill 59, An Act to amend the Ontario Energy Board Act.

Motion agreed to.

**Mr Charlton:** The purpose of this bill is give the Ontario Energy Board additional powers to regulate electricity rates and to investigate matters such as demand and supply options, short- and long-term planning, and avoided costs.

## ORDERS OF THE DAY

## DEPUTY CHAIRS

Mr Ward moved resolution 14:

That Mr Breaugh, member for the electoral district of Oshawa, be appointed First Deputy Chair of the committee of the whole House for the remainder of the Parliament and that Mr Cureatz, member for the electoral district of Durham East, be appointed Second Deputy Chair of the committee of the whole House for the remainder of the Parliament.

Motion agreed to.

## HOUSE SITTINGS

Mr Ward moved resolution 15:

That, notwithstanding any standing order, the House (a) not meet on the morning of Thursday 19 October 1989; (b) meet during the week of 5 November 1989; and (c) not meet on Monday 13 November 1989.

Motion agreed to.

## PRIVATE MEMBERS' PUBLIC BUSINESS

Mr Ward moved resolution 16:

That, notwithstanding any standing order or previous order of the House, the following changes be made to the order of precedence for private members' public business: (a) Mr Hampton and Mr Charlton exchange places; (b) Ms Hart and Messrs Offer, Beer and Morin be deleted from the order of precedence and all

members of the Liberal caucus listed thereafter be advanced by one place in their turn; (c) the requirement for notice be waived with respect to ballot item 20.

Motion agreed to.

### COMMITTEE BUSINESS

Mr Ward moved resolution 17:

That, notwithstanding standing order 57, the standing committee on estimates shall consider in the fall meeting period the estimates of not more than six ministries and offices to be selected in one round by members of the committee.

Motion agreed to.

### COMMITTEE SCHEDULE

Mr Ward moved resolution 18:

That, notwithstanding any previous order of the House, the following schedule for committee meetings be established for the remainder of this session: the standing committee on administration of justice may meet on Monday and Tuesday afternoons following routine proceedings; the standing committee on estimates may meet on Tuesday afternoons and Wednesday afternoons following routine proceedings; the standing committee on finance and economic affairs may meet on Thursday mornings and Thursday afternoons following routine proceedings; the standing committee on general government may meet on Thursday mornings and Thursday afternoons following routine proceedings; the standing committee on government agencies may meet on Wednesday mornings; the standing committee on the Legislative Assembly may meet on Wednesday afternoons following routine proceedings; the standing committee on the Ombudsman may meet on Wednesday mornings; the standing committee on public accounts may meet on Thursday mornings; the standing committee on regulations and private bills may meet on Wednesday mornings; the standing committee on resources development may meet on Monday, Wednesday and Thursday afternoons following routine proceedings; and the standing committee on social development may meet on Monday and Tuesday afternoons following routine proceedings; and that no standing or select committee may meet except in accordance with this schedule or as ordered by the House.

Motion agreed to.

### COMMITTEE SITTINGS

Mr Ward moved resolution 19:

That the select committee on education be authorized to meet during the week of 15 October 1989.

Motion agreed to.

### TORONTO TRANSIT COMMISSION LABOUR DISPUTES ACT, 1989

**Hon Mr Ward:** I would seek unanimous consent to proceed with second reading of the Toronto Transit Commission Labour Disputes Act.

**The Speaker:** Is there unanimous consent as our standing orders say? No, there is not unanimous consent. I am sorry.

### HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Mr Wrye moved second reading of Bill 219, An Act to amend the Highway Traffic Act, 1989.

**Hon Mr Wrye:** Just in case we happened to get on this afternoon, I do have a few comments on second reading.

I am very pleased to introduce this amending legislation to the House for second reading. I am pleased because it contains provisions that support two of the principles that are really the highest priorities to the Ministry of Transportation and to the government as a whole, and they are the principles of safety and personal mobility. The bill also includes amendments that will contribute to the efficient operation of our highways and that will therefore promote and maintain economic development throughout the province.

On the mobility side, a portable parking permit for disabled persons is being created. This permit will be issued directly to the disabled person and will travel with that disabled person in whatever vehicle he happens to be driving or riding as a passenger. You will be familiar, as will the House, Mr Speaker, that this permit will be replacing the disabled symbol licence plate, which is now issued by my ministry, as well as by all permits issued by individual municipalities.

In that regard, the bill contains complementary amendments which will give the permit status under the Ontario Municipal Act. At the same time, a model bylaw has been prepared by the Ministry of Municipal Affairs that will encourage municipalities to provide province-wide consistency and uniformity in parking for disabled persons.

There are several other important provisions in this legislation which will protect what a lot of us think is our most precious resource, and that is our children. One will prevent small children from being exposed to the risks associated with travelling on adults' laps or in the cargo area of vehicles.

It is a well-known and a well-documented fact that unrestrained children are extremely vulnerable to injury in the event of an accident. It has also been proven that an adult cannot hold on to a child even in a low speed collision. Yet almost two thirds of the babies killed in Ontario accidents were sitting on someone's lap at the time of impact.

This bill will therefore make it mandatory for any child under 23 kilograms, and that is the average weight of a five-year-old, to be placed in a vacant seating position where there is a restraint available. This provision is in keeping with our new emphasis on achieving an across-the-board increase in restraint use. We have set for ourselves a goal of achieving 90 per cent seatbelt usage in the 1990s and that is a very significant improvement, a very significant increase of 20 per cent over today's rates of just over 70 per cent.

With that aim in mind, October has been designated for heightened enforcement of our seatbelt law by police forces throughout the province. Thus, I think it is very significant and appropriate at this time that the seatbelt usage matter legislative changes for young children is contained in Bill 219, this act amending our Highway Traffic Act. The legislation is also going to enhance school bus safety by more clearly setting out the responsibilities of operators, of passengers and of other road users.

### 1530

In addition, a separate series of amendments will clarify the rights and responsibilities of cyclists, something of tremendous importance for young people, though not exclusively for young people. The status of bicycles as vehicles will be emphasized and cyclists will be reminded that they are subject to the same rules of the road as automobiles.

Brakes will become mandatory equipment and cyclists who break the law will be required to identify themselves to police. This is a matter which was brought to the attention of the Legislature by the member for Etobicoke-Lakeshore (Mrs Grier) in a private member's bill. It is a matter which has concerned all members of the Legislature for some period of time, and I think it, along with our other changes as they pertain to cyclists, is very welcome indeed.

There are a number of other amendments which will be aimed at improving operational efficiency. For instance, vehicles removing snow from municipal roads or carrying out emergency maintenance will be exempt from

certain rules of the road which could inhibit their operations. In addition, in order to improve traffic flow, tow-truck operators will be prohibited from soliciting at accident scenes.

The remaining provisions of the bill, and there are a number, are routine provisions which are usually contained in these amendments to the Highway Traffic Act which come before the House from time to time. They are of a housekeeping nature. They deal with such matters as dishonoured cheques, services rendered by agents, fire marshal vehicles, municipal signs and bylaws and removal of abandoned vehicles.

In summation, however, the bill contains a number of important changes to the Highway Traffic Act and I ask the House to give its early and very positive attention to the amendments contained in Bill 219.

**Mr Morin-Strom:** I appreciate the opportunity to participate in the debate on second reading of Bill 219. This bill was introduced by the government more than six months ago, back in February 1989, and the government did not act on it during the spring session.

I am pleased, however, that the government has come forward with it very quickly now that we are into the fall session of our sittings. I think it is one we can accommodate relatively easily. It is one our party will be supporting, because it does address, at least in small measure, improving safety on our highways and provides some improvements to the Highway Traffic Act.

The initiatives that are included have been long-awaited by many and various communities in our province. One initiative in particular that has been long-awaited is one that affects the disabled community. This bill will provide for the issuance of new disabled person parking permits, ones which will not have to be permanently affixed to the licence plates of a specific vehicle but rather will be a portable permit that will enable the disabled to have greater flexibility in the usage of more convenient parking places, that will accommodate them whether they are in the main vehicle they use or whether they may be in another vehicles, depending on the particular application of the day. I know this initiative is one that has been awaited by the disabled community and is appreciated at this time.

There are some other initiatives in the bill, many of which are technical in nature, which will provide some measure of improvement with respect to safety as well.



One of the ones that has generated some concern has to do with the new air brake endorsement. This amendment authorizes the ministry to conduct a test for the purposes of the air brake endorsement licensing, a test which has not been required in the past. This has generated some concern from drivers of vehicles, particularly, in many communities, from bus drivers who may be driving vehicles which do not even have air brakes on them. It is perhaps a bit onerous to be demanding tests for drivers specifically on the air brakes, which, as I understand it, is quite a difficult test requiring some new training and knowledge. If the driver is not driving a vehicle that is equipped with air brakes, I am not sure the extent to which the ministry has gone is necessary in all cases.

Of course, the general thrust of this kind of measure is, I think, a valuable one. Those drivers who are handling equipment that could be quite hazardous should have a full understanding of the equipment they are handling and should be required to do so.

My reading of the bill is that this bill will allow regulations with respect to this test, and I guess I would just suggest to the minister that he take a close look at how the test is being administered, who is being required to take the test and to what extent additional training and knowledge is required, particularly in the case of bus drivers who may be older persons. Very often, school bus drivers are driving part-time as a retirement type of job, and if the vehicle they are driving does not have air brakes, I am not sure the kind of testing procedure that is currently being envisioned by the ministry is completely required. This does not require a change in the bill, but perhaps just a closer look at the regulations the ministry is planning and what the specifics of the testing program are going to be.

I notice there are some initiatives with respect to seatbelts and school buses as well, but I do not see the two combined. I think there is a considerable desire in the province to see seatbelts installed on all school buses in the province and required for our children. This certainly would be a safety measure that almost everyone could welcome, but it has not been specifically required in the bill. The bill does require that drivers will be responsible for ensuring that children in their own vehicles, those children under 23 kilograms in weight, do occupy seats fitted with seatbelts, but I think a similar requirement should be made on buses of the province as well, particularly the school buses.

As I said, there are some other initiatives with respect to providing safety in the handling and operation of school buses, and those are appreciated.

I guess we should make some mention as well that this bill was introduced well in advance of the government's initiatives with respect to safety, announced last month, related to the Ontario motorist protection plan, which the government is touting as the solution to its auto insurance problems.

At the time of the government's latest announcement of initiatives related to auto insurance, the government announced it was going to take a number of initiatives to improve safety on the highway, with the objective of reducing the accident rate in Ontario. This will require a series of new measures, both legislative and in terms of new regulations. These are not being proceeded with as part of this legislation, and we certainly eagerly await the bill from the minister that will relate to highway traffic safety and the additional improvements the minister is planning to both make our highways safer and reduce the accident rates in the province. I understand from the minister that there is a bill pending there, but we have not seen any sign of it to this point and would very much appreciate the specifics of that legislation.

At this time, I think our party can support this bill as it has been presented. I appreciate the fact that the minister has finally brought it forward for debate in the Legislature, and we do look forward to its passage.

**The Deputy Speaker:** Any questions and comments on the member's statement? If not, do other members wish to participate?

#### 1540

**Mr McCague:** I would be glad to. First, I would like to congratulate the minister on his new portfolio and to congratulate his predecessor for the work he did in that portfolio and for being here today to quarterback the consideration of this very important bill.

One of the very important areas which this bill attempts to address is the area of bicycles. While both the gentlemen I have referred to earlier may not realize what it is like to drive these days, I, as a former cabinet minister, am well aware of what it is like to drive these days, and the hazard that I think bicycles are on our roads; and the bicycle operators may think I am the same to them.

However, you do not have to drive far from here at Queen's Park to see the abuses of the rules that are prevalent among those riding bicycles. For instance, you go from Queen's Park, across

Wellesley, attempt to turn right on Bay Street, and you may be a quarter or halfway around the corner and the bicycle people will still go past you on the right. That may be their privilege, but it is a very dangerous thing.

We have too many people crossing on their bicycles on crosswalks. And then we have, as the minister may know, many people racing orange lights these days, but there are just as many bicycles racing orange lights as there are cars, which is very dangerous. The first thing I look at before I make a turn off any given street in Toronto is whether there is a bicycle coming; because of their size, they are a little more difficult to see. Quite often there is one coming.

I know the minister is not addressing all the problems here with bicycle traffic and I think it is difficult to improve everything in one bill, but I hope it is an area which he continues to study and put forward amendments. It is always amazing to me that a bill that has been in existence as long as the Highway Traffic Act would have as many amendments as this one has. The minister could tell me that for 42 years there were a lot of amendments that should have been made and he is just getting around to making them. That, of course, is not true either. The amendments will go on and on and on as traffic patterns, vehicles, drivers, other vehicles like bicycles, mopeds, motorcycles—there always will be things that have to be changed because of the change in the world we live in. There always seem to be amendments regarding how people write cheques. That is not the biggest one of my worries, but I guess the ministry has to collect its money for the Treasury.

The amendment the minister is including here for the use of disabled persons' parking permits is a very popular one and one which has been advocated for the past two or three years.

The air brake endorsement, while that is unpopular with some who are involved, I think is a move in the right direction for all public safety.

Emergency vehicles have caused some controversy in the past. I am not sure, but the minister might comment on this when he makes his remarks. The particular instance I will refer to is one in which a fire chief, for instance, would have a red light behind his grille and might live a mile or two miles from the fire station. If the fire alarm sounds, he can leave his home, travel in excess of the speed limit with his lights on, and therefore, I hope, add to getting the fire out and not be a nuisance as far as public safety is concerned. You might answer whether or not the people who are volunteers are going to be able to

put any type of insignia on the car to aid them to get to the site of the problem as quickly as possible.

Of course, the seatbelt amendments are always good. The seatbelt program was a very controversial one a few years ago, but I think it is now proven that it was a very worthwhile program and has been adopted through many states of the United States. You do from time to time, of course, hear of positive things that happen because somebody was not wearing a seatbelt, but on average your chances are much, much better, and I hope the minister will proceed with making this program mandatory.

The road service vehicles have given difficulty from time to time. I am not sure how the ordinary driver feels about the fact that you might see three or four of them lined up at every cloverleaf; it is nice to know they are there if you get in trouble, but I think there are some people who feel nervous because they are there and would be just as happy if they were hidden some other place.

All in all, we will be in favour of these amendments which have been proposed by the former minister and are now being put through by the present minister. One would hope the list would not be so long the next time, but I forecast it will be. I just hope the minister is prepared to spend some time on the whole area of bicycles, because it is becoming more and more dangerous. If you drive yourself in the city of Toronto, you can see the infractions. Have a taxi driver take you for a ride and ask him what he thinks about bicycles on the streets. Most of them will say they are fine if they abide by the rules, but they do not do that. Anything we can do to assure their safety and the comfort of the driving public would be a move that would be welcome.

**The Deputy Speaker:** Are there any questions on the member's statement? If not, do other members wish to participate in the debate?

**Ms Bryden:** I am very pleased to participate in the debate on Bill 219, because I am always in favour of improvements in traffic safety. It is rather surprising that this bill has been delayed so long, since last February, and that the government did not seem to consider it a very high priority. Of course, in the more or less eight or nine months since it has been introduced, all sorts of new problems have arisen, too, so that we are going to need a continuing update of this act.

I would particularly like to mention the good things in the bill; that is, to look after the disabled people and their ability to get permits and the importance of people not violating the rights they have to park in special places. I am glad we are



getting better control of the use of special parking places for disabled people.

I do hear complaints that the red tape in connection with getting a disabled person permit and a permit for the members of his family who may be driving a disabled person are rather cumbersome, that they have to go to particular offices of the ministry and the services are not available in all offices to get permits or get changes in the permits, or that it requires a couple of trips in many cases.

I hope the minister will look into seeing that the disabled people are not inconvenienced more than other people in getting their permits and seeing that they are enforced.

#### 1550

With regard to bicycles, I think that the arguments seem to be all against the bicycle owners. I agree that bicycle owners should be required to stop and identify themselves if there is any possible violation suspected by a police officer. I agree that bicycle riders should be expected to obey the rules of the law and stop at stop signs, as most of them do. But I do not agree that they are people who should be treated as though they have no right to be on the highway.

They have the same rights as other people, as pedestrians and as drivers, to occupy the roads and highways in the prescribed way, in a safe way. That is, if they are pedestrians, to cross them and if they are bicycle riders, to occupy one lane and to make sure that when they change lanes they do it according to the rules and that they do not interfere with other traffic.

But it seems to me that we are going to have to have more and more bicycle riders in this world, if we are not going to all die of pollution and carbon monoxide. We are going to have to cut down on the extreme use of automobiles for running around to the corner store and continuing this great waste of fossil fuels and this great introducing of these emissions into the atmosphere. I think bicycle riding should be encouraged by our traffic laws. There should be bicycle lanes in new highways wherever possible, and particularly in areas where there is considerable volume of bicycle travel. I am not saying we should rebuild our present highways to provide such lanes, but I think in the future we should be looking at bicycle lanes.

It is possible that some bicycle lanes could be designated in present highways if there is sufficient space, but that is not being done in very many cases. I do think that we should be encouraging the use of bicycles, particularly by students and young people and people of an

income level that they cannot afford a \$10,000 car, and we should not be considering them as something to be pushed aside or squeezed out or to have no rights, so that I am a little disappointed that the new regulations seem to all go in the one direction of protecting motorists from bicycles or seeing that there are new rules applied to them but not new rules applied to drivers.

I would hope that we could get stricter rules about drivers entering intersections on the yellow, when it appears they are not going to be able to complete the crossing without ending up against the red. We should be having stricter rules about making right turns from the wrong lane, as I have seen a good many motorists change their minds and then suddenly slip over. We should have stricter rules about stopping at all pedestrian crossings.

In fact there should be, some people think, warning signals at pedestrian crossings and lower speed limits in order to force motorists to slow down and then to stop. I know there have been deaths at crosswalks in my own riding because the motorist did not slow down and did not look to see if there was a pedestrian on the crosswalk.

We have still got a long way to go to protect nonmotorists and we have to make sure that motorists themselves are obeying rules about making sure that they are making the right turns and the left turns in a correct way and not forcing other drivers to look out for them after the light has changed, when they should have been stopped. This is becoming much more a problem, particularly in the city of Toronto, and I think we need to spell out that those things are illegal.

I am surprised that this particular bill is the first time that they have ever put in the Highway Traffic Act that people walking on highways, on the shoulder presumably, should face the traffic. Now, there is no more elementary safety rule that I can think of than that, and there would have been thousands of deaths prevented if that law had been in effect. I am rather surprised that the previous governments, both the Conservatives and the Liberals, never seemed to think that was important to put into effect.

I am glad to see the restriction on the number of tow trucks that can cluster around an accident scene, or potential accident scene, ready to grab the first piece of business that appears when an accident occurs. They do create a traffic hazard, and I think they should not be allowed to cause a traffic hazard by lining up beyond the number that might be needed or that the police might be required to call. I know this is difficult to



enforce, but certainly police officers are on hand at the time of an accident and surely they can evaluate whether there are a surplus of tow trucks there.

With regard to seatbelts, I think we still need a lot more incentive and educational legislation to get people to use them. I think every municipality should have a seatbelt enforcement week periodically when they remind people of the need for them. They do save lives, we know. I think that was the first bill I voted on when I came into the House in 1975, which was to say whether or not seatbelts should be mandatory. Since then I know literally thousands of lives have been saved by the fact that I and enough others voted for having seatbelts mandatory.

But we still do not seem to think it should be mandatory for school kids, and there have been accidents. I know it is difficult to refit school buses, but it seems to me that there certainly should be in the law some sort of state-of-the-art legislation for confining people who are travelling in school buses and for seeing that they do travel safely. The requirements about stopping when a school bus stops are very important, but looking after the students on the inside is equally important and I think we have got to move ahead in that field.

One thing I notice is missing in this legislation—I am not sure whether it should come in here, but I think it should be somewhere—and that is more restriction on the excess length of tractor-trailers, which seem to be getting more like freight trains everyday when you turn around and look at them. There is a clause in here limiting the width further of traffic on the highways, but we seem to be ignoring the tendency to allow freight trains on the highways. They are much more destructive of the road surface because they are much heavier, but they are also much more of a traffic hazard because it is more difficult to pass them and they do break down, and that can cause a very serious traffic hazard.

I would like to see stricter rules about inspection of tractor-trailers as far as their maintenance goes. There have been far too many accidents recently of tractor-trailers jackknifing on places like Highway 401 and causing multiple accidents and very serious accidents and in some cases death because of this kind of breakdown of a tractor-trailer. I think it is up to the ministry to make the rules stricter on both their maintenance and how many hours a day they can be operated by one driver. There does not seem to be adequate control of the length of time that a person can drive under the labour laws, or they

get exemptions. This is creating hazards for all of us.

Those are some areas I think the minister still has a lot of requirements to move on. I hope that if new legislation has to come in again this year to bring in some of the new changes that the recent Ontario Automobile Insurance Board recommended, we will look at some of these additional changes and proceed on them.

#### 1600

**Mr Cousens:** I would like, first, to begin by congratulating the minister on his new appointment to cabinet as Minister of Transportation for the province, a very, very important responsibility. I look forward to hearing what he has to say and how he is going to deal with the issues.

In my responsibility as critic for the greater Toronto area, I intend to be as constructive and as positive as is possible under the circumstances. I know that what I am going to do is be provoked by this other honourable minister into all kinds of things that I wish I had not said.

I also say on behalf of our caucus and many others how pleased we were to deal with the member for Scarborough East (Mr Fulton) out of the House. In the House, he was not the most pleasant person. His sarcasm was never-ending, but none the less, I assume he is enjoying life an awful lot more now than he did when he had to look after this very important portfolio. None the less, it is good to see the member for Scarborough East in the House and recognize him for his contributions to our transportation system.

Now that we get down to the reality, if we start looking at transportation in Ontario, even before the minister starts bringing forward a bill that we are going to support and have many positive things to say about, what are we going to do about traffic if we do not have drivers on the road who show some basic etiquette to one another? Is there any way that his own drivers could begin to set an example for proper conduct on the road, instead of darting in and out, instead of setting a bad example to the people of Ontario on how we should be taking our vehicles anywhere?

I am not saying that your drivers are bad. I am saying that the drivers in this province need to stop and wonder what it is they are really trying to do. Are they trying to create accidents? Are they trying to create more postcommuter shock for the people who are in their cars having to undergo all the pressures that they are creating on them? They brake too fast. They are driving too close. They come along and they weave in and out of traffic like a bunch of maniacs. It is no wonder that they are saying that Highway 401 is

becoming a war zone. Is there anything the minister could be doing to start facing up to the fact that we are having an increasingly bad problem?

There are a lot of other problems that are a part of it, but if only the drivers would begin to accept some responsibility for what they are causing to happen on those roads, the way they are cutting in on transports, forcing transports to make fast moves. In the last few weeks alone, there have been significant serious accidents on Highway 401 where trucks have overturned. I do not know the details of them, but I can believe that, as you have someone darting in, those drivers are trying to save the life of a dumb driver who is doing something he should not be doing.

So what can the minister be doing in a promotion campaign? I am not giving him an excuse to spend our tax dollars on another promotion of the Bill Wrye etiquette program, but we as parliamentarians in this province should be getting the message out there to all our constituents, either through our newsletters or through any other medium, to try to get people to start being a little bit more understanding of the other people on the road. The minister does not begin to address that, but maybe that is something he could begin to look at.

Maybe one of the things he could look at is the retesting of some of the people who are out on the road. I do not know what he is going to do totally. I know that once you are 80, you have to go through and be retested on an annual basis, but why are people not forced to be retested on a more frequent basis even now? Has his ministry looked at that? Has the minister looked at it? What is he doing about it? Why does he not comment on it? Give us some idea of what he is going to do, if anything. Now that he has had this long at the post, he should start having some ideas.

My third point, just before I start talking about Bill 219, is in regard to the maintenance of vehicles. Why does the minister not have some spot-testing on some of the cars that are causing the problems on the highways? If they went and took their vehicles in for regular inspections and proper maintenance and upkeep, we would not have some of those cars that are breaking down. The slightest disruption on our roads right now causes major backups and major problems, and we could begin to do something more about it.

If people are going to be out there with a faulty vehicle and they have not had it tested and they have not had it in the garage for a while, maybe they should be charged. Maybe there should be some way in which they are forced to pay not

only for the inconvenience that they are suffering, but also for the inconvenience they are suffering everybody else who piles up behind them and the accidents that are caused because of it.

We have a real problem with transportation and some of it is going to require the building of things. It is going to require a lot of other things, but some of it is just common sense. If we could do something to clean up our act, clean up the etiquette, do something about the testing and getting people to take better care of their vehicles, that will have some degree of impact on resolving the problem we are having, especially with the number of cars that are coming in and out of this city. I mean it is going to increase by another 118,000 vehicles over the next 20 years. What are we doing about it? We should begin to find some solutions.

There are two other things I want to touch on before Bill 219, one of which has to do with the need for barriers on Highway 401. I know my honourable friend the member for London North (Mrs Cunningham) has raised this question on previous occasions, both in the House in question period and in private conversation with the former Minister of Transportation, of the need for barriers to protect drivers of cars coming in the opposite direction. One of the ones is the Woodstock-London area where there really should be something done on it. It is becoming a very massive concern and it is time this ministry began to act on that one.

The other one has to do with a series of accidents that have taken place down near Belleville. I do not know what is happening down there, but as I drive by Belleville on the way down to Queen's University to visit one of my favourite young people, I know that it is a source of problems the way the cars are coming out of there. There have been all kinds of accidents. There was a family of six or seven that was killed recently coming to a wedding in Toronto, and I happen to have a friend of our family who was involved in a very serious car accident near the Belleville intersection on Highway 401.

What can we do about it? Is there anything more that can be done? Is the minister looking at it? It is just that kind of thing we are talking about. We are talking about safety in this bill. We are talking about the protection of the people of the province of Ontario, and there are some areas that are beginning to become a source of concern to everybody who is using our highways.



I do not know if anyone has stopped to think of the accidents that are going to be happening on the Don Valley Parkway because of the new opening that is being made northbound on the parkway. I realize that is not the minister's jurisdiction, but surely his ministry would have had some chance to look at the drawings. Would he nod his head if he did, or is it totally withdrawn or removed from his ministry? Is the Don Valley Parkway totally and completely out of his jurisdiction? The minister is not nodding so he does not know. Maybe someone on his staff could give me a better sense, but there is a new intersection coming in north of Wynford Drive and going north on the parkway.

I do not know how those cars are going to feed on to the road, once they have finished this magnificent tunnel underneath the railway. I do not know how much it is costing, but it is just going to put more cars on there. The amount of space they are going to have to get on that road is minimal, and I think it is just going to provoke opportunities for more accidents on that road.

Has anyone done a safety study? Does anyone really understand the impact of it? I wonder. I do not know. I am not a transportation specialist yet, but I will be after we are finished our task force studies on transportation. That is one that worries me. It is under construction now and probably too late to stop it, but has everything been done to look at just how safe that new intersection is going to be coming on the Don Valley Parkway?

The minister does not travel that way when he is heading out to Windsor-Sandwich, but he could take a trip up north to Markham and we will give him a tour of where Highway 407 is going to go and a few other things.

I like what he has suggested in his legislation. Unlike some of the—

**Hon Mr Wrye:** Thank goodness for that.

**Mr Cousens:** The first day back, I really have no desire to be mean-minded or cruel. It is not perfect, mind you. I think there are a few things that could be changed on it, but the fact of the matter is the minister is doing something about bicycles. Maybe he is not doing enough.

We are going to see more and more bicycles coming in and out of the greater Toronto area probably six months from now when the Toronto Transit Commission breaks down again, when the negotiations come back in and the fact-finder brings in his report and there is no way in which they have to come up with a settlement, and so what will probably happen is that they will agree to disagree. Who knows? I hope not because we have gone through five or six weeks of unbeliev-

ably serious problems not only for the commuters in and out of the greater Toronto area but for the businesses: how much lost time there has been and how much frustration there has been, all the problems around transit. People would have used a bicycle if they did not know they would probably get killed by using it.

#### 1610

I have no idea how many people are using bicycles. The number has gone up. We see more and more of them and it is important that they see themselves in a true, balanced light as responsible participants on our highway, that they are being courteous not only to the vehicles but also to pedestrians.

What are we doing in this legislation about bicycles that are using the sidewalks all the time? I wonder if there could not be a little bit more teeth in that one. Maybe it is covered by some other laws because they are endangering the lives and wellbeing of children, seniors and others who are using pedestrian walkways, and yet this bill does not begin to address that.

The fact of the matter is that bicycles will now have to have brakes; it is going to be legislated. Bicycle drivers will have to stop and give their names. They could have their licence removed if they are not courteous and obeying the rules of the highway. I think it is a good first step.

What else could we be doing? It is not just a matter of having rules. The government had better start enforcing them and it had better do more to make sure that our young people in schools are understanding the responsibility with their bicycles.

It is not just young people who are causing the problems. It is people the minister's age who are out there on bicycles who may have forgotten their glasses and they are doing things they should not be doing. They have to learn to realize it is not just a matter of right to be on our highways and our roads; it is matter of responsibility. Therefore, we are not just going to be taking it idly.

As the minister prepares his points in response to what I am saying about bicycles, I am satisfied that he has moved in the right direction and that in fact we have to be doing far more to protect pedestrians, bicycle drivers and vehicle drivers from each other.

We all know there are accidents. Sometimes we do not realize these accidents could be prevented just by being able to sit back and understand the natural course of action that is going to happen when you are not careful in what you are doing.



I suggest strongly that the ministry, through the Ministry of Education and through other sources, get the word out there so that once these laws are passed and the amendments have been approved that those people who are on our roads begin to have a better sense about the others who are also part of the highway system.

I am concerned about the minister's photo identification program. I wonder how many people in our province are using photo IDs that are illegal. I wonder whether there has been any kind of process by which the ministry has dealt with the situation where a visitor to this country who has decided to stay a little longer—one who is not a landed immigrant—has used the licence photograph as a way of obtaining identification.

They have taken someone else's written licence and claimed they have lost their picture and have gone in and had their picture taken with the other person's ID and are then in a position to use that either for their own purposes or for whatever purpose. I happen to believe it is used by teenagers who are underage sometimes. They are using the photo ID on transportation licences as a way of getting an older age attached to their picture which they then use.

To what extent has the ministry looked at that to see how it can be addressed and resolved? I would be very interested in hearing what is going to happen.

I have no problem with the fact that the ministry is going to have nongovernment people who will be running this system now and that it will have others who are in a position to provide this service. I think the more who are out there to provide that service so that you can get your picture taken when you need it for your licence the better, because the fact of the matter is that the ministry is so limited on the number of people who are providing any service anyway that can make it possible for people who need it to get it when they do.

I am surprised that in the bill the ministry has said child passengers are required to use seatbelts and proper safety precautions in a car. In fact, one thing that shocks me is that many people still do not have their children in seatbelts or in car seats and in the back seat of the car. As we drove north on Highway 400 on Friday for Thanksgiving weekend, the number of cars we saw with children in the front seat on their parents' laps was far greater than I have seen before. Maybe it is because we are becoming more in tune with the danger those children are under by sitting on their parents' laps in the front seat of an automobile;

they are not clamped up in their seatbelts or in a car seat in the back.

I know today that should be a major issue for any parent. It is more than just a \$20 or \$30 fine; they are jeopardizing the lives of their children when they do not insist that they are properly buckled up. They have to be properly buckled up and they should be in a proper kind of seat if they are going to travel. It is not just a matter of whether or not you want to; it is a matter of necessity. We have proven that with the statistics of the number of people who survive accidents when they have had seatbelts on, and the number who have not survived or who have suffered tremendous loss of use of their limbs or loss of life because they failed to.

In that context, I raise a question for the minister. The bill—and we are discussing Bill 219, An Act to amend the Highway Traffic Act—says, "No person shall drive a motor vehicle on a highway in which there is a child passenger weighing less than 23 kilograms who does not occupy, if available, a seating position for which a seatbelt assembly is provided."

That is in section 12. The minister may want to refer to it. Is he leaving it wide open that people do not have to have the proper seatbelt assembly? He has referred in that section to a child passenger "who does not occupy, if available, a seating position for which a seatbelt assembly is provided." Is the minister thinking there only of older cars for which there has not been a seatbelt installed, or is he giving people a general out so they can come back in a court of law and say, "I didn't have to have that seatbelt," especially because of the way this section of the bill is written.

The minister and his staff should be looking at any possible ways in which that section could be misread. It is on page 6 of Bill 219, the bill we are debating right now, and it is under subsection 12(6a)—just in case the minister is forgetting. It is his first day back to work and he is not used to all this pressure. He does not have to read it; he gets everybody else to read it for him.

**Hon Mr Wrye:** I might even have an answer.

**Mr Cousens:** I am sure he will have an answer. I want him to have the right answer. That is what really counts.

I want to deal with the possibility that this one section might have an out clause for some parent who has said, "I happened to be reading the bill before I came into court today, judge, and it says only 'if available.'" I just want to make sure we have not left any doors open.

I come from the viewpoint that says seatbelts should be mandatory. I cannot think of too many occasions when they are not mandatory on anyone who has a child at that weight or whatever. There should be some certainty that the responsibility and the onus is on the parent or the driver to make sure that people are buckled up and using their seatbelts. That should be the thinking of the minister and the ministry, and I would be pleased just to get some feedback on that to see that the minister has faced up to it.

My final point has to do with handicapped parking. You can have all the handicap markers on cars you want, yet people still seem to be parking in handicap zones; you see them hop out of their cars and they are just as healthy as the member for Beaches-Woodbine (Ms Bryden). There is nothing wrong; they are able to get up, walk, run and do everything else. Not that the member for Beaches-Woodbine would ever do such a thing—I know she would not—but the fact is you see such people coming out of vehicles and they are parked illegally in a handicapped zone.

Why is it that we are not doing more policing of the handicapped parking zones in the province? It has to be a source of real problems for those people whom we want to involve in our society. We want them to take advantage of those handicapped parking zones so they can have less of a distance to get into a shopping mall or church or some other place to do what they want to do. It is our responsibility to encourage people to get out into the community, and if there are going to be people who block that access, then we should be doing more to police it.

**1620**

I happen to think that the method of having the handicap marker in the hands of the person who is handicapped makes a lot of sense, because up until now just about any Tom, Dick or Harry could have gone in and picked up a licence plate that had the handicap marker on it and then used that marker to park in a special place that was really reserved for the people that needed it.

Now the minister is saying you will have to have a medical certificate—that makes a lot of sense—and then you will take that with you. If you are in someone's car and you are going to be parking somewhere, you put it on the windshield on the inside, in a locked car, so it is not something that disappears; then they will be able to protect a handicapped spot. That makes sense to me.

I just hope that as the government begins to introduce this new system, there is also some kind of explanation that goes out to people on

how it is going to be used. I think it would be a very sad moment if someone loses the handicap marker that he is going to have on his front windshield and it is just going to be handed around. If they lose them, it should not just be easy to go and pick up another one; they would have to go through an entire process again of getting a medical certificate and everything else. It is to all our advantage that these rules make sense, but also it makes great sense to see that they are followed. I just hope that the minister in his new enthusiasm for his new job is going to see that some of these things are followed up on.

As I went through the bill, there were a number of other points that touched on most of the issues I have mentioned right now. One other issue I did want to touch on has to do with signs along the highway. At one time, Ontario was pretty clean. It was clean not only in environment; it was clean from the abuse of eye pollution. We really get more than our share of all kinds of advertising that is coming at us through the media in different ways and also on the highways, byways and roads. I am pleased that this bill will give the government and the province of Ontario an opportunity to go and look again to see how we can clean up some of the signage around our province so that it is not confusing to people who are using our roads.

One of the major sources of revenue for this province has been tourism. I think a person coming into this city or any of our cities has to be confused at all the things that are coming along. Let's have another review and see what we can do to improve our signs and the directions so that people find their destinations. The more we do that kind of thing, the more likely it is that people are going to want to come back because we have made it easier for them to come in and feel comfortable. The fact that you have a sign up there that points the way and helps them get to their destination, the better it is.

Do not just be against business when you are putting your signs up or taking some of the existing ones down. We want to be able to attract people to Ontario to do business. There should be ways by which the government can encourage people to go to shopping districts in downtown Unionville, which happens to be a beautiful little place to come and shop, or in downtown Markham. You might even find some of the large malls marked so that people can see them as opportunities, not only for recreation and to see the history of our province but also to get involved in commerce and do some shopping.

We are at a crossroads in another sense, and that is that while we are dealing with issues, we are really dealing with the symptoms at this point. I hope that the minister does not go away and brag about all the success he had in getting Bill 219 through the Ontario Legislature as his first great achievement as the new Minister of Transportation. I hope that he sees this as a starting point to take seriously the needs of our commuters and all the services that are needed to have a strong transportation system in this province.

We have problems right now, and they have to do with not just the province; the federal government has to get involved with it as well. There is the whole problem with C-97 which was removed a few years ago. We see the problems with Via and the removal of Via. We have got to do something as a province to take seriously commuter services and transit—

**An hon member:** Talk to Brian.

**Mr Cousens:** I will tell the member this much. In 1981, when Via Rail services were cancelled for Stouffville, Markham, Unionville and Milliken, the Honourable Jim Snow, then Minister of Transportation, brought in the GO trains to replace Via services. I hope that when we see the cancellation of the Havelock line and some of the other commuter services that are coming into the greater Toronto area, we in this province will begin to put a larger emphasis on commuter services and the GO trains and expanded use of the GO trains. Make it so that people want to use it, because quite candidly, even with these minor improvements to the Highway Traffic Act and the small changes the government is making, it does not begin to address the greater needs that are part and parcel of having to come to work in large urban centres such as Toronto.

The minister should pick up the opportunity. He has it right now, who knows for how long? He is minister this week; he will be for a little longer. Before he gets into it and becomes too entrenched by the suggestions that the civil service and some of the others give, he should give some personal leadership to it.

He should understand first that he should do everything he can to expand and support commuter services. He should support the TTC. He should help GO Transit expand and get the additional trains it needs. He should open up new lines. He should take over some or, if he can, all of the lines that are being closed down. The ones that are carrying commuters into Toronto are really being bothered; they might well add to the cars that are coming in and out of this city.

Therefore, the minister has a chance to give leadership. We hope he is capable of giving that kind of leadership, and we will be very supporting of positive improvements to help make this an easier place to come in and out of.

When you look at what Toronto has become, it used to take you half an hour in the 1960s to come in and out of Toronto; now it takes you an hour and a half. By the mid-1990s it is going to take you two hours. How much time people are spending on the road is a matter of great concern to all of us. It is not just a matter of building more infrastructure. We need that as well, but we also need to face up to some of the other services that should be part and parcel of a transportation strategy and not just the reworked workings the previous minister came out with. He did not make a new announcement in four years. We have four years of unprecedented economic sustained growth in the province and his ministry has done sweet nothing to do anything to help the transportation services. Now is his chance to start doing something about it.

I want to use this occasion as an opportunity to remind the honourable minister that there is far more to his ministry than just some housekeeping rules of Bill 201. He can start being the leader that we want him to be and to do something to solve the problem of transportation that he has helped create.

**The Deputy Speaker:** Are there any questions and comments on the member's statement? If not, do other members wish to participate in the debate?

**Mr Sterling:** I will be somewhat briefer than my colleague. I thought it was important that I say a few words today because of a very serious traffic accident which occurred near the area of the province that I represent. On Saturday night, at 4 am, three young people died about five miles north of where I live in Manotick. Eight young people were coming from a party in Hull, Quebec, presumably going towards North Gower, because two of the people who died in that accident, Paul Tessier and Kirk Quaile, both from my riding, were in the car.

I draw this to the attention of the Legislature and of the minister in particular, because unfortunately, in the area that I represent, somewhere in the neighbourhood of 10 to 12 young people have been lost in the last year or year and a half. Something seems to be missing. As a matter of fact, Paul Tessier, one of the young people who died on Saturday morning, had a sister who had perished in an accident three



weeks prior to that date in a multiple fatal accident as well.

I draw those facts to the attention of the minister because at this time, in my view, there appears to be a problem with the system we have in place in this province for the instruction of students, the instruction of new drivers and the instruction of young people as to the responsibilities when they take over a motor vehicle.

I want to say to the minister that it is not only his responsibility as the Minister of Transportation, but there appears, from what I have been able to glean over the past eight to 10 months when I have taken some interest in this issue, a lack of co-ordination between the various ministries that have an interest in the issue. I am talking about his ministry, which I believe should be the lead ministry in it, but it includes of course the Solicitor General, the police and the Minister of Education who has access to most of the young people who would be learning to drive on our highways.

#### 1630

Even inside or outside our educational institutions, I think it behooves the minister to look seriously at the qualifications of our driving instructors across this province. I am not only talking about the individual driving instructors, but I am talking about the chief instructors he has in place. I believe there are some 15 or 16 of those chief instructors. As I understand the system, the chief instructors test the driving instructors and either pass or fail those individuals. My belief is that the standards are not high enough at this time. I believe the instructors are attempting to work with this minister and with other ministers in his government to attempt to bring in some kind of self-regulating code or act in which they would have a greater control over their destiny and the education they would be required to have in order to be licensed to teach people to drive in our province.

I am concerned about updating instructors once they have received the licence to teach people to drive in the province. I am also concerned about the number and the kind of statistics we keep in this province about the various collisions, fatalities and injuries that occur to different age groups across our province. I am told, for instance, that more young people who die in car accidents die with other young people in the car, and that there are more double or triple fatalities than there are single fatalities when dealing with a very young age group.

That tells me we should be teaching our young people that there is a code of conduct that is required when they get into a car with another group of young people and that their risk at that time is much higher than their risk when they are either driving alone or with other adult people.

I believe we have a problem here in Ontario. I know some ministry officials do not believe the minister has a problem with regard to driving safety. This particular accident and the other accidents which occurred in the Ottawa-Carleton area, in which we lost 10 to 12 lives in a very short period of time of young people in the prime of their lives, cannot be blamed perhaps on the education system. They might be blamed on lack of judgement of an individual who was in control of the motor vehicle at the time, or it might be blamed on another individual who was involved in the accident, or it might be blamed on a number of other factors, but one area we have to improve within the realm of this Legislature and within the realm of our system is the education system and the system of licensing our young drivers.

States in the United States have found alternative solutions because of the carnage on the highway, in particular with their young people. As the minister may know, in many of the states in the United States of America, the drinking age has been driven up to the age of 21 years of age and that in itself has reduced many of the accidents which have occurred with young people in the United States. In some of the states in the United States, they have limited probationary drivers when driving on Friday and Saturday nights. They have said to young drivers, I presume in the first two or three years in which they are driving—I think the state of New Jersey is one example—that you cannot drive between the hours of 10 pm and 6 am in the morning on Friday and Saturday nights just because of the number of accidents young people are getting into in those states.

I do not know whether or not we warrant that kind of move. I will tell the minister one thing: I could say for my area that because of the tragedies we have faced, I would be willing to support a dramatic step like that in my area. I venture to say that the problem has not emanated in other areas probably to the same tragic degree that it has in my area, but one of the things that bothers me is whether or not the minister had the statistics and the facts to make that decision.

I want the minister to go back to his ministry staff and ask them: "Can we pull out of the facts how many accidents are occurring in those very

vulnerable hours on Friday and Saturday night? How many of those accidents are occurring when there are one, two, three or more teenagers in the cars?" I want the minister to go back and ask his people whether or not they believe that our driving instructors, our education program is up to the date of the 1990s in terms of the kinds of situations teenagers find themselves in weekend after weekend.

For instance, are teenagers taught that when they get into a car with many other young people there is a definite responsibility on them, not only on the driver, to act in an orderly manner. How do you teach that in the best manner and drive the fact home?

I would like to say to the Legislature and express publicly my condolences to the Tessier family and the Quaile family, both of North Gower, the Tessier family having suffered a double tragedy in the last month; also to Dorothy Verdon and the Verdon family for the loss of their child, a young man, Jaret, who died in the same accident.

I do not know whether that accident could have been prevented or not. There is one person in my riding who is very much interested in driver safety. I have forwarded papers to the minister that she has written. She is quoted in the *Ottawa Citizen* as saying, "People keep calling them accidents, but I believe"—Sue McNeil believes—"they are road crashes that are preventable." Let's get on with looking at it. It is a problem and I think there are some solutions. Perhaps we can save some young people's lives in the future.

**The Acting Speaker (Mr Cureatz):** Are there any comments or questions? I see none. Are there any further members wishing to participate in the debate? Were you not going to speak on that? No further members? Would the minister like to wind up the discussion on this piece of legislation?

**1640**

**Hon Mr Wrye:** Thank you, Mr Speaker. May I first say how good it is to see you back in the chair. I remember it from a few years ago. We on this side welcome the motion that was brought forward by the government House leader with the support of all parties earlier today and congratulate you on your appointment.

It has been a very useful debate. Let me very quickly touch on a number of the issues that my colleagues have raised from all parties. First of all, I thank the five members who spoke for their support for the legislation and also for some of the other matters that they raised.

The member for Sault Ste Marie (Mr Morin-Strom) who spoke first for his party, the critic for his party, raised a couple of issues that I want to touch on. First, I indicate to him that there will be additional amendments to the act coming forward later this fall.

I appreciate his comments in terms of the disabled community wishing the amendments that are coming forward in terms of disabled permits and I am very glad to have the opportunity of carrying on the excellent work that my predecessor, the member for Scarborough East (Fulton), began in this regard.

The member for Sault Ste Marie did raise the issue of the air brake test and the whole issue. There is some controversy that was visited throughout the province this summer about the air brake endorsement. I did want to put on the record that if one is not driving a vehicle with an air brake system, one does not need to have a Z or an air brake endorsement.

As well, in terms of the course that is being taken, if one can write the test and pass the test, there is no requirement to take the course in the first place. I believe there was some controversy in terms of the courses, but that controversy is behind us.

The other issue that he raised is the seatbelt requirement for school buses. This has been a matter of some very considerable debate, really throughout the whole decade. As we have looked at this issue, there have been a number of studies that have been done which have had mixed results. We have done some changes and have brought in some changes to put in new high-back padded seats. As a result of some of those changes, there has been some improvement in safety. Notwithstanding the last fatality in school buses in the province was back in 1982, there has been a substantial amount of work under way. The Department of Transport has been testing a number of systems, including reversing the seating on school buses. I believe it is expected to report its results in the latter part of this fall. We look forward to receiving those reports.

The member for Simcoe West (Mr McCague) made a number of important points, particularly on the issue of seatbelt usage in which he made a number of comments I concur with entirely. I think it is useful to put on the record not once in a while, but time and again and again and again that seatbelt usage in this province, which is now at 70.3 per cent in terms of the latest statistics, allows Ontario to stand only eighth out of 10 provinces; this from a province which was the first to adopt mandatory seatbelt usage. I am sure



the member for Simcoe West and his colleague the member for Beaches-Woodbine (Ms Bryden), who spoke and who both entered this assembly in 1975, were among those who supported its original introduction. I appreciate that support.

We are going to require a little more care and concern in terms of that usage. The statistics do not lie. If you are not wearing a seatbelt and you are involved in an accident, your chances of being killed are 21 times greater than if you are wearing a seatbelt. The chances of being seriously hurt are eight times higher, and that is the statistic year in and year out. My friend from Simcoe West made a very good point in terms of pointing out that a number of the myths that existed in the early years of mandatory seatbelt use and indeed which exist in some other jurisdictions today are just those. They are myths. They are not facts. The facts bear out that to not wear a seatbelt is just simply foolishness in this day and age.

I appreciated his comments, as well, in terms of bicycles. I understand the member spoke to me about bringing in some amendments and he and I have discussed that. We will be taking a look at the proposals he is willing to bring forward and perhaps when we bring forward a second series of amendments to the act later this fall, at that point we can address some of the issues that my friend raises and concerns that he raises.

I know my colleague, I think the member for Beaches-Woodbine, or perhaps the official critic mentioned an additional amendment. I can tell the House that as soon as we have the details and the amendments, we will be quite prepared to introduce the legislation. I think all members on all sides know that the general thrust and key thrust of the amendments will be substantially tougher fines in terms of speeding and other offences and we will hopefully be bringing those forward later in the fall.

In terms of the issue of the volunteer insignia, which my friend the member for Simcoe West raised, the volunteer insignia is a matter really with the Ministry of the Solicitor General. Discretion will rest with the fire marshal of Ontario within the Ministry of the Solicitor General rather than ourselves. We will take a look at the issue and have the appropriate discussions within that ministry. I give my friend that assurance.

The member for Beaches-Woodbine asked about the inconvenience of people who need the disabled permit. I was not aware that there are limitations to where they are offered and that

there are inconveniences, but I will take a look and I assure her that if they are, we will take a very close look at that issue.

She also mentioned the issue of bicycle riders. I want to take some exception to some of the remarks she made. I am not sure she meant that we were being discriminatory, but there was a suggestion that perhaps we are being too strict on bicycle riders. I want to put on the record that in 1987, the last year for which we have statistics, there were 34 cyclists killed, of which 16 were under the age of 15, and more than 5,000 injuries.

As the member so correctly pointed out, as the usage of bicycles and the numbers of bicyclists on our ever more crowded roads increases, we want to ensure that the proper safeguards are in place, not just for those bicyclists but for the other drivers with whom they must share—that is the word and I underline that word—the roadway. It is not a case of wanting to punish bicyclists or being too strict. It is a matter of wanting to make sure that the roadway can be shared safely by all.

We then had very briefly two other speeches from the third party. The member for Markham (Mr Cousens), who while not the critic—I think he kind of alluded to it—is heading up a task force on transportation services, made a speech, some of which had something to do with the bill and a great deal of which did not. I can say that an issue he raised that did not have anything to do with the bill is VIA Rail. I hope he is writing the minister to tell him that he should not be cutting back and devastating VIA as he is. There is VIA and GO Transit, the issue of a number of other barriers and the like, none of which is addressed by the bill. I look forward to discussing those matters with the member for Markham in our estimates, which I understand we are going to have later this year.

The member for Markham raised the issue of section 12 of the bill in which he referred to the fact that—I will just read the section—"No person shall drive a motor vehicle on a highway in which there is a child passenger weighing less than 23 kilograms who does not occupy, if available, a seating position for which a seatbelt assembly is provided." He did raise that issue. I believe he may have been referring to the fact that if there is not a seatbelt position, that is the only circumstance in which a young child can continue to be carried on the lap of an adult.

#### 1650

Subsection 90(2) of the act is in place and has always been in place, making it an offence to operate a motor vehicle in which the seatbelt



assembly has been removed or rendered inoperable, but we continue to have one anomaly which we are looking at: that is, in those cases where an additional seatbelt is needed for a young child and none is available, we continue to allow young children to be carried on the laps of adults. Mr Speaker, I, and I am sure you agree with me, am a little concerned by that matter.

I will not go through all of the other points the honourable member for Markham raised. He talked about the retesting of drivers, the maintenance of vehicles and the issue of the Don Valley Parkway, which I would point out to him is a Metro road, but all of those issues are issues we will take in the days to come.

My friend the member for Carleton (Mr Sterling) was the concluding speaker in this debate and I think made a very thoughtful intervention, as he so often does. He raised the issue of young drivers and the terrible tragedy in his area. We had a number of tragedies in eastern Ontario this weekend, one involving a high speed chase and certainly the one he mentioned.

I say the member is thoughtful, because the statistics are really quite disturbing: that is, that one out of every six 16-year-olds—and they are people who are getting a licence at the first eligible time—will be involved in an accident, if our latest statistics are correct, in the very first year in which they operate a vehicle. He puts forward a number of interesting and thoughtful suggestions.

I would refer him to the government's proposals, which we are beginning to work on, for something called a graduated driver's licence. In a number of states, including California—Delaware, I believe, is another one—there have been graduated licences brought into place which contain the kinds of provisions the honourable member was mentioning; that is, limitations on driving times. They can drive in daylight but not after dark; they cannot drive on Friday night or on the weekends; they cannot drive on certain roads but can drive on others. All of those are possible not just for young drivers but new drivers in general.

We will be taking a look at that and having a consultation with a number of the affected groups and individuals in the months to come. I appreciate the honourable member indicating his support for those kinds of fairly dramatic limitations on young drivers, but certainly the government, as we look at the accident statistics and as we look at the severity of those accidents, is very concerned about the number of accidents and severe accidents for young people.

I just say in closing that the legislation is very important legislation but it does not and I would not as a new minister pretend that it begins to solve all of the problems. It does take us a step forward in terms of dealing properly, effectively and appropriately with the disabled community. It moves forward in terms of bicycle safety, an area in which, again I repeat, 34 people were killed in 1987, the last year for which we have statistics, and so an area which we ought to properly address. It moves us forward in terms of the fatalities of our very young, those who are too young often to fend for themselves, and ensures that the appropriate use of seatbelts for young people is made a mandatory requirement. Again, the statistics do not lie that over the last decade or so, the number of young people who were killed was over 100—104 to be exact—and the number of those who were unrestrained in vehicles outnumbered those who were restrained by a margin of three to one, in spite of the fact that the number of those in restraints is very substantial.

We have moved with a number of other important housekeeping amendments.

I appreciate the involvement of all honourable members and move second reading of the bill.

Motion agreed to.

**The Acting Speaker:** Shall the bill be ordered for third reading?

**Mr McCague:** No.

**Mr Wildman:** Mr Speaker, there is a no over here.

**The Acting Speaker:** Oh, is there a no? The honourable member for Simcoe East.

**Mr McCague:** I am not sure of the protocol here, but because this bill was called today—acknowledging, of course, that it has been on the Orders and Notices paper for quite a while—our staff suggested a couple of amendments that would be proper in the area of bicycle safety. I am sure, Mr Speaker, if you were to—

**Hon Mr Ward:** Committee of the whole.

**Mr McCague:** Well, I think we might avoid that, Mr Speaker, if you would give me a moment or two. Would you consent to that?

**The Acting Speaker:** Well, if we could have unanimous consent of the House, because the honourable member—knowing the rules only so well as I do—is out of order. I am wondering if you might turn to the minister, and since the member has indicated that in a very short space of time he will get his point across—Agreed.

**Mr McCague:** The point being that the minister has said he hopes to have an opportunity

for us in the fall to put amendments to another bill which he is going to introduce. The minister has shown his goodwill, and I would just like to underscore the fact that he is going to introduce bicycle safety amendments in his Highway Traffic Act amendments in the fall, and we will have a chance to comment on them then and therefore we can let this proceed to third reading. Is that the understanding, minister?

**Hon Mr Wrye:** Yes.

**Mr McCague:** Thank you, Mr Speaker.

Bill ordered for third reading.

#### MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989

##### LOI DE 1989 SUR L'ACCÈS À L'INFORMATION MUNICIPALE ET LA PROTECTION DE LA VIE PRIVÉE

Mr Elston moved second reading of Bill 49, An Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

M. Elston propose la deuxième lecture du projet de loi 49, Loi prévoyant l'accès à l'information et la protection de la vie privée dans les municipalités et les conseils locaux.

**The Acting Speaker (Mr Cureatz):** Before we continue with the debate, I am wondering if the House might oblige me with the opportunity of speaking for a moment on the new positions that have been created under the Speaker's office.

Since I see no serious objection, I would like to comment that notwithstanding my past representation over the past two years in terms of my selective position of looking after the fine constituents of Durham East, I had the opportunity of serving in a similar capacity from 1981 to 1984, and I can assure all members that at that time I did, as I will assure you now, take this new position very seriously.

I have found it difficult in the past that it would be difficult to be extremely vocal in terms of my selective position and then serving at the table. So the long and short of it is, I say to the Chairman of Management Board (Mr Elston), that there will be no more seagulls or garbage bags in the chamber.

I might also say that I know only too well that I am looking forward to and appreciate the full confidence of all members of the chamber for this new position. My past experience was that at times I had called upon the honourable member for Oshawa (Mr Breaghaugh)—I say to the member—who of course has made it a particular interest of

being learned in our particular rules of procedure. At the same time, if I had not the opportunity of calling upon him, I called upon the then House leader for the Liberal Party, the member for Brant-Haldimand (Mr R. F. Nixon), and of course under such situations will be doing so again.

**1700**

I am looking forward to working with not only the House leaders of all the parties but also the Speaker's own staff, the clerks at the table, once more. More particularly, although some cynics would say that the position was enhanced by the extra remuneration, I want to say that the interesting aspect, upon discussing this aspect with my own leader, and I am sure, as correspondence and discussions had taken place between the leaders of the other parties, the interesting aspect was that in essence my interest in the rules had dated back for quite a time, not as long as the member for Oshawa (Mr Breaghaugh), but with the new position, that intrigued me in terms of the process.

**Mr D. S. Cooke:** Mr Speaker, in light of the comments you have just made, I wonder if we could have unanimous consent to reconsider government notice of motion 14.

**Some hon members:** Agreed.

**The Acting Speaker:** Are we on second reading?

**Mr Mr Elston:** I think we are on second reading, Mr Speaker, although it is a little hard to know exactly how we approach the rest of the bill's discussion, bearing in mind the opening remarks delivered for our edification.

I just want to say, first of all, congratulations to you and to the other new nominee, whom we will obviously see in action in due course. I would like to say as well that it is a pleasure to have the opportunity of doing second reading of this particular piece of legislation while you are in the chair and while we have the member for Oshawa here, because I know that you and the member for Oshawa have been champions of freedom of information, access to information, to help government run more effectively, although you and the member, I may indicate, certainly have different styles of presentation and delivery and even deliberation upon the issues.

This particular item, as we move forward with what is required by the legislation that was passed earlier on freedom of information and protection of privacy is to extend that regime to the municipal world in Ontario. I must preface my remarks by saying thank you to the people



with whom we have consulted, including the interest groups in the municipal field, including the Association of Municipalities of Ontario and others; might I also add a special thank you to the member for Victoria-Haliburton (Mr Eakins), the former Minister of Municipal Affairs, who was indispensable in helping us to work on the presentation of this particular material.

I can say that this particular legislation, which was given first reading in July and will come into effect 1 January 1991, extends the act to more than 2,500 municipalities and local boards and in fact extends to those organizations the principles that are already enshrined with respect to freedom of information and protection of privacy in the province. Bill 49 builds on the tradition of openness at the local level while also ensuring the privacy of people's own information.

We are very concerned that that point be made, because, generally speaking, what happens is that the legislation is shortened in its popular name to "freedom of information," and it leads to the impression that anyone can get any information about any person that he cares to. That is not so. It is an interesting balancing routine that is managed by the people who are administering this act provincially to ensure that the protection of privacy is given the deliberation that is necessary to ensure that no one is disadvantaged. We know all too often of the number of critical issues which have to be determined about what is private and what is public, and I must say that the regime which has been implemented and is functioning now in the province has worked quite well. I must say that overall we have had a very positive experience with the legislation.

The new legislation, as I said, reflects an extensive consultation. We have spoken at length with a number of the interest groups, those representing the clerks, administrators, treasurers of the province, AMO, the elected officials organization and other members of boards, and we must say that we look forward to the continuing relationship which we have built up while we consulted about the form in which this legislation would be presented, because we will, over the next year and a half, have a very busy time in helping people adjust to the provisions of the act, helping them to understand what the provisions require of them administratively, and in fact how it will be applied to school boards, to municipalities, boards of health, public utility commissions and other local bodies.

We want to ensure that we have a successful introduction of this legislation at the municipal level, and I think the work we have done in the

province, at this level, in implementing our own freedom of information and protection of privacy bodes well for those people who have functioned within my own ministry area, at least—the secretariat, I guess, as it is properly called—in helping the rest of the provincial ministries and agencies become accommodating to the inquiries.

I expect, as with our own legislation, that there will be a requirement to provide extensive consultation with those people who will be working day to day with this at the municipal level, but I want to indicate that we have pledged, through the secretariat, our abiding interest in their practical problems and hope we can assist them before the bill comes into effect on 1 January 1991 to eliminate any glitches which they may see coming.

This is another important step towards ensuring an open and very public operation of government at both the provincial and the municipal levels, as we move to open up the process, as we move to ensure that everyone in the province is armed with the information he needs to participate in a very worthwhile manner in our democratic process.

Underlying our previous four years has been the effort to open up the process, to ensure that people know they have the ability to participate in debate, and I presume, before the afternoon is out, that we will have some contributions to assist us in analysing the provisions of the act as it applies to the municipalities and the local boards. I am looking forward to that, because this act can only improve the democratic process at the municipal and local board level.

With those remarks, I might just finish by adding that, because this is a departure from what our original Freedom of Information and Protection of Privacy Act first told us to do, this is a separate act and, rather than being encompassed under the existing provincial sphere, we will have a second act, Bill 52, which I will move into second reading later on, that is required to provide complementary amendments. I trust the passage of these two bills can proceed apace.

We still have, in front of the committee, other work to do with freedom of information. I think we have gone a long way to accommodating issues of confidentiality and other items which remain outstanding there, but I must say that it has been my experience in the committee that the co-operation level here, with respect to this freedom of information and protection of privacy legislation, has been quite high and I look forward to improving upon our working relation-



ship on this municipal piece of legislation as the days go forward.

With that, Mr Speaker, thank you very much. Once again, congratulations to you and thank you for your opening remarks on second reading.

**The Acting Speaker:** Are there any comments or questions?

**Mr Breagh:** We will support the bill and its companion bill, Bill 52. We moved the amendments in the original provincial legislation on freedom of information and protection of privacy to bring this into effect; that municipalities and local boards have an obligation to make their information available to the public every bit as much, in my view, anyway, as the provincial government.

I do not object to the format that is being used here, frankly, as one who has spent a little time in municipal politics, because it takes a different shape and form in different communities. Some of our municipalities could have lived with the provincial legislation without any major disruptions of service at all, because they too have their own local bureaucracy; so you would be transferring the public works department for some ministry, so it would work with no problem.

But I am the first to admit that in many of our smaller municipalities they do not have the capacity to respond to the paper flow, so to speak. They do not have big departments. Very often the clerk's office consists of somebody who works on a part-time basis. So I believe it is reasonable to do it by means of separate legislation.

1710

I think when we go into committee—and I would hope that we would have perhaps not an extended opportunity for a long set of hearings but an opportunity for some public input on these bills. Both of these bills, I think, are the type of legislation that requires a little bit of time outside of this place in a committee where representations can be made about whether this is a practical approach or not, and what problems will be introduced by bringing forward this legislation.

The standing committee on the Legislative Assembly has begun to review the statute that applies to the provincial government, and I think it is noteworthy to make some comments on that because these two bills will bring that same spirit of the ability of the public to get access to information from a different level of government and to try the balancing act. This is where I think we are encountering some problems of the public's right to see this information and its right

as well to have its privacy guarded in some respect. In the provincial act we have had an opportunity now to see that at work for a while. The same principles are now going to be applied to municipalities.

It is not to say that this is an easy job, and I do not think anybody ever imagined that it would be, when one works as the members here do inside government, so to speak. You get some sense after a short period of time that there is a colossal amount of information out there floating around in computers, in files, in civil servants' heads, in the minds of government. There are staff people, administrative people, there is a monumental process at work, and the freedom-of-information law was meant to provide the access points, to define the terms of what you do have a right to get and what you do not.

In our first review of the provincial legislation, some would say that the civil servants did not want to be inconvenienced and that they proposed a very limited number of amendments to the current provincial statute which does not make much difference in anybody's life except that it makes their job a little more comfortable.

I think we will experience the same kind of things in here, because as anybody who has been around government for any length of time will be able to tell members, there is not a civil servant out there who starts out by saying: "I want to keep the public in the dark. I don't want them to know what is going on." But at the same time, to take the balancing act a step further, they do not set out to make their own lives miserable either, so when members go through the statutes and they go through the regulations and they go through all the rigmarole that is in place, they know that it would be a stupid civil servant indeed who wrote a law or regulation that put him or her out of a job next week, and they are not really anxious to make their lives uncomfortable.

So at the bottom of it all, no matter how the government writes the law, it can always rest assured that there is nobody working for the government of Ontario who is really anxious to put himself out of work. There is nobody over there in any of the ministries who is really anxious to say: "Boy, did we ever screw up last year. This is the gobs of money that we misspent. These are the decisions that we made internally that were all wrong."

They are not going to be anxious ever to put that kind of information out, and I do not think the purpose of the Freedom of Information and Protection of Privacy Act is essentially to embarrass the government, or in this case to

embarrass the municipal council. It is rather to provide the public with a reasonable amount of knowledge and a process to go through.

I think in our review of the provincial act, for example, much of what was said to the committee in many ways seemed a little stupid because the civil servants who designed the legislation were making a pretty good argument that we do not want any civil servant out there just kind of telling people what is going on, and we do not want him handing out information willy-nilly. We begrudgingly accept the notion that there is a process whereby the public can get information, and here is what it is. That is kind of the level that we are at, and these two laws this afternoon propose to put forward the same idea at the municipal level.

One of the things that I think members have to count on here is that, for example, we have a commissioner now who examines: what is the process; whether the civil servants are conforming with the act; what are the forms that have to be filled out. If somebody does not want to make the judgement call, the commissioner makes a ruling on a matter. He sends out a little newsletter. It is kind of the way that governments work these days. I have eminent faith that the current commissioner is doing a good job, that he has some knowledge of how governments work. He has some knowledge of why he is there and he is trying to do the balancing act.

I think as long as you accept that the laws in Ontario, both the one that we now have applying to the provincial government and the ones that are being proposed this afternoon to deal with local government, are a balancing act, as long as you accept that principle, you are on safe ground here. If you think that it is an absolute protection of anybody's privacy, you are wrong. It is not. If you think it is an absolute guarantee of your getting information from governments at any level, you are wrong. You can accept, though, that it is a balance of those two factors and a practical balance of how governments work and how open they can be.

This is a government that began its life here as one that said it had no walls and no windows, and it turned out it had no floors and ceilings either. But you have to understand when you work with the government that there is kind of a level of information flow that any government in the world finds acceptable. They may begrudgingly give you a little more information than they really want to, but they are not stupid people, and neither are ministers of the crown nor their senior civil servants. Nor are the local council and their

servants going to go around and blab all over town other than the way that they have always done so.

But there is a problem—I happen to be the Municipal Affairs critic for my party and I find it frustrating when people write to me and say, “I got a notice that I violated the local town bylaw.” I went to the town clerk's office and asked to see the bylaw, and the town clerk said, “We do not have a copy of the bylaw.” The person has a point. How can you be expected to conform to a municipal bylaw if somebody will not even show you what the bylaw is? How can you be assured that your town's planning committee made the right decision if you do not have the proper credentials to see the information upon which they based that committee decision. So I think there are some pretty reasonable expectations out there.

In many of our communities I dare say this bill is unnecessary. In many municipalities that I am aware of the council of the town or the city has made its own decision about the provision of information quite sensibly. So you do not need this law in many of our communities. But I am also aware that in many other communities no such policy exists and the minutes—the public business that is done by that town council is in effect secret business. I believe that is wrong and I hope that this bill does something to change that attitude.

Most of us that, as I look around this chamber and can identify as people who were in municipal government, came from municipalities where it was pretty common practice to provide the public with just about any document that the council dealt with, and the normal exceptions of personnel files and contractual arrangements were exempted. But any planning document we ever had we made available to the public. Committees generally wanted the chance to see the document first because in some way, whether they agreed with the staff report or not—a planning committee, for example, of a local council is identified with whatever that report says whether it accepts it or not. It is part of the work that is done by their staff.

There are real limits to what you can do with this notion, but I am in general agreement with the technique that is being used here. I am in general agreement with the notion that this principle, if it is valid at the federal level and valid at the provincial level, is equally valid at the municipal level and that is what these two bills do.



There may be some problems with the mechanics, but I think frankly we are never going to work those things out in one fell swoop. That is going to be an ongoing process. It is ironic that in the committee's initial review of the provincial act, one of the very things that the committee went out of its way to say was, "Listen, we have seen this act in other jurisdictions and some pretty stupid things have happened." We would not surely be stupid enough in Ontario to send the blueprints for a prison to a prisoner, but we did. We surely would not be stupid enough to release very private information about an individual, but it happens.

There are some things that you just cannot do by writing laws. There are some things that you really have to do by getting out there and practising what is your intention, by giving your staff an opportunity—it is amazing I guess to some people that this government, like any other government, like any municipal council that will be affected by this bill, cannot simply sit around in this chamber and say, "This is what we are going to do," and it starts to happen tomorrow morning. This government says, "This is what we would like to do," and tomorrow morning it leaves the government's hands and goes into the hands of literally thousands of other people who have to implement it.

## 1720

It is quite likely they did not sit through the committee proceedings. It is kind of doubtful they will read the Hansard of the debate to catch the full flavour of what is going on here. It is kind of doubtful that they will read the whole act. It is more likely that they will read one little section of the act that is quoted to them by their supervisor that says, "This is what you do and this is what you don't do."

It is even more likely that they will read a memo, and so what they wind up having is somebody's interpretation of somebody's interpretation of somebody else's interpretation of what you ought to do in this situation. To be really honest, they will probably turn to the person next to them and say, "What do I do?" and that person who has never seen any of this will say, "Give them the information or don't."

I hope with the passage of these bills that we will do some good. I have no illusions at all that we are passing something that is perfect. The province of Ontario is in the middle of assessing its own Freedom of Information and Protection of Privacy Act. I do not believe that is a perfect document either, but I think it is headed in the general correct direction. I believe that the

commissioner has a good sense of what is expected of him, of how he is supposed to carry out his job.

I do not share that notion that all of our civil servants have yet understood what this process is about. I do not think they have a good working knowledge of what we are trying to do here. I believe it will probably take a decade before this works its way through the system. By that time, we probably will have changed our minds as legislators as to what we want them to do anyway.

I think this is a worthwhile effort. If it only does this one thing, I believe it will be useful. To be specific, I have a school board in my own community that has decided that a lot of its public decisions can be made in private without the press being present, without the public having the information that they have that they are using to make their decision. They believe that it is appropriate for a publicly elected body to make its decisions in private. I do not. I never have and I never will.

I understand that there are times when you want to close the doors and let your hair down and let everybody have at it but, by and large, the business of the public must be conducted in public, and the public has a right to know the information on which those decisions are made. There are planning decisions, there are public works decisions, there are all kinds of decisions being made, as we speak, all over Ontario and the public has a right to know only if the council sees fit. That is wrong. Surely that should be wrong and surely we should say so. I believe these two bills attempt to do that.

I support that concept. I think that is worth while. I think that with a little bit of time in committee we can hear the delegations that will want to come forward and make their pitch. I am aware that there has been a great deal of consultation about this. If we did nothing else when we amended the provincial statute, we certainly made some folks sit up and think about the reality of having to contend with a provincial law that is not designed to be implemented by a local board or by a council. I believe with their best intentions they sat down and offered the government some suggestions on how it might proceed, and basically that is what we see today.

I know there will be people who will still be very unhappy with these laws because I do not think they are anywhere near being at the level of function that they ought to be. They are not exactly going to go smoothly, but if they get the simple message home that people who sit on a



public body cannot make the private decisions, that is worth while. It is also worth while if they simply establish the principle that documents that are used to make those decisions at a school board, on council, wherever, are in fact public documents, not private documents created for the interest and consumption of a very select few; that the preparation of the documents are paid for by tax dollars and the public has a right to know and we are not going to really put up with for very long the concept that they may have a right to know but they will have to pay a couple of hundred dollars in order to get that information.

If we establish through these two laws some very basic principles about the public's rights, about the rights of privacy and the mechanisms on which this type of legislation ought to work, I think we will have done something worth while: not perfect, but useful. On that basis, we are happy to support the bill. We would ask that it go to committee for a brief set of hearings, but we think that it is worth while. It is not a monumental step, but it is a basic one and something that we find supportable.

**The Deputy Speaker:** Any questions and comments on the member's statement? If not, do other members wish to participate in the debate?

**Mr Sterling:** I too would like to speak in favour of Bill 49, which incidentally arose at this time or has come to light at this time primarily because of the functioning of the two opposition parties to this government during the hearings on the Freedom of Information and Protection of Privacy Act, which was passed during the minority Parliament from 1985 to 1987.

At that time, our party and the New Democratic Party, over the objections of the governing Liberal Party, included in the freedom-of-information act for Ontario a clause which would have kicked that act into play for various municipalities across this province. This Bill 49 is a direct result of the fact that we have ticking away in legislation an act which is inappropriate to the municipal structure.

As a consequence really of a move of both the New Democratic Party and the Conservative Party, this legislation is being brought forward on this timetable. I am happy that it is being brought forward at this time and, of course, I am happy now that we have the Liberal support of a freedom-of-information law for our municipalities. I think it is time that the minister brought this forward.

I am not as convinced, however, that many of the municipalities which I represent are aware that this legislation is coming down. According

to the legislation, it kicks into effect on 1 January 1991. I think it is going to be a rude awakening for some of the municipalities. I agree with my colleague the member for Oshawa that it is in fact a good awakening for some of those municipalities which have tried to operate behind closed doors more than they should have in the past.

I have always found in the parliamentary experience that if you operate in the open, usually there is very little interest by the press in what is in fact taking place, but as soon as you close those doors, there is almost immediate reaction that there is something sinister going on behind the closed doors. I imagine that the experience of many municipal politicians will be, after this act is kicked into effect, "Why on earth did we hold these meetings behind closed doors before?"

I do have a concern that the province will not be providing any kind of financial assistance to the municipalities in implementing this legislation. I would urge that the province consider some kind of financial assistance to the municipalities.

I am also concerned about the retroactivity of this bill. While the provincial government has had in the past adequate resources to run in a more logical and in a more expensive way the recordkeeping, there are many smaller municipalities which have not had that kind of revenue source. I know, when looking to some of the jurisdictions which I represented and particularly before redistribution, that many of the records were in unusual and different places than the municipal hall. That was not because of any sinister plan to hide those records. It was just a matter of having some kind of a space to put a cardboard box in.

You would find many municipal clerks did much of the work out of their residence, as well as doing it out of a municipal hall. Therefore, I am somewhat concerned about the retroactivity part of this bill where a citizen may require of a municipality documents which went back in history a long time, but which may be very expensive to retrieve in terms of trying to find those documents because of imperfect record-keeping or file-keeping.

**1730**

One other section which bothers me greatly, and I hope to have an opportunity to explore this at greater length, is the combination of section 16 which is the public interest override. Section 16 says that in spite of the exemptions which are contained in the act, they do not apply if there is a compelling public interest in the disclosure of the

record that clearly outweighs the purpose of the exemption.

I would agree with the public interest override with regard to most exemptions. However, when dealing with personal information in section 14, I do not agree that a commissioner, an appointed person, should have the final say as to whether, for instance, health information should be released to the general public or somebody who has requested that information about another individual.

In some ways, this bill has more potential for damage than the Freedom of Information and Protection of Privacy Act which we passed in prior years. That is because this bill covers people who have private information which could be much more damaging to an individual than that covered under the previous freedom-of-information act.

I refer specifically to medical officers of health who are covered under this act. Medical officers of health often have information about who or who may not have communicable diseases in a community. They have information as to who has AIDS in a community. Under this act—

**Hon Mr Elston:** It is a provincial obligation for reporting.

**Mr Sterling:** I realize that there are provincial obligations under the act for reporting those and there are certain disclosure requirements of the medical officer of health or a physician who is dealing with that information. However, if someone else asks for that information, he can, as I read this act, ask the commissioner and can put forward the argument that there is a compelling public interest in him or a group of people knowing certain private, personal information.

I named the information as to AIDS because it most dramatically exemplifies that problem. I realized I had a lot of power in my speaking style but I did not think it would extend to that degree.

When the freedom-of-information act was dealing with ministries of this province, our party stood with regard to opposing the public interest test over personal information. I do not believe that personal information, my health or the health of any other individual in Ontario, should be subject to the whims of a commissioner who may or may not release that without consulting this Legislature or any politician therein, and that is what this act says.

I believe the minister can have as effective an act by excluding section 14 from the public interest test existing in section 16. I do not believe it is necessary, and the act will have as

much impact without it as within it. I think it is most important from a public perception, more so than perhaps a real danger to the public in terms of the release of that information, because if somebody undertakes to challenge the refusal of the release of important medical information, challenges that to the commissioner and that particular challenge receives publicity, I think it will put into jeopardy the providing of that kind of information to the medical officers of health.

That is the reasoning I put forward in terms of asking the minister to reconsider removing section 14 from section 16 in order to exclude the commissioner from having ultimate control over personal information in the hands of the medical officer of health or any other body in the municipal structure.

As the member for Oshawa (Mr Breaugh) indicated, it will be important to deal with a number of more minor issues in the clause-by-clause hearings on this bill. I am sure we will hear of the successes and failures of our existing law, and perhaps we can remedy in some ways any of the areas that are being reproduced in this bill but have not received or have not really been reviewed under the other law.

I say to the minister as well, in my concern for the public interest test, that under our provincial law there have been nine challenges already to the commissioner of information and privacy on the public interest test. In my view, in terms of people who are providing very necessary information to people like a medical officer of health, it will take only one well-publicized challenge to ruin a lot of very important legislation which has been placed to protect a lot of people in our province.

We are happy to support this bill, and I look forward to the hearings, which again I hope are not protracted. We will look constructively to the delegations and to the minister, hoping he has an open mind to amendments to this act to make it more palatable to the municipal situation.

I only have one fear in dealing with a bill that is so thick and so important: that it is a bit of a remake of another piece of legislation. We should not turn a blind eye to the bill and gloss over it unduly because we have dealt with it in a provincial context. The other organizations have a much different form of government and therefore I think we have to turn our full attention to it during the committee process.

**Mr Haggerty:** I want to address Bill 49. I do support the principles of the bill in general, but I want to flag one thing to the minister and perhaps other members of the Legislature, and that is the



matter raised by the member for Oshawa. My experience on municipal council goes back over a number of years. I am concerned about the exemptions in the bill. The member for Oshawa talked about the bylaws that are being prepared, and here it says draft bylaws will be exempted.

I look at government today and take pride in the way the present government has proceeded in the affairs of the Legislature, where now the Legislature is moving back into the community and having public hearings. When we pass a bill here, we usually have first and second reading in the Legislature here and then it is usually referred to a standing committee, which allows the input of the public to come into the picture and play an important role in the decision-making of legislation or amendments to particular legislation that comes forward.

At the time I sat on council, I saw us giving first, second and third readings of bylaws without any public input into them. Municipalities are larger today and more sophisticated in administration; we have regional governments in the same area that have well supervised staff who prepare the information for the elected representatives, but very little is given to the local taxpayers or the residents of a community.

**1740**

I would suggest to the minister, when we are talking about exemptions here, that perhaps we should bring in legislation or an amendment to this bill, or even to the Municipal Act, saying that no council can pass a bylaw in first or second reading without public notice. Then before a motion to pass the bylaw is adopted by council in this area, it should be referred to a public—in case it requires public hearings in this area. Often this is where elected municipal officials run into difficulties. They will give first, second and third readings in a matter of one night's sitting without any public input.

I would suggest that perhaps we should be looking at putting a little bit of the government back into the hands of the communities in a sense, to say that before third reading there should be public hearings. You may get involvement of the public, hopefully. That is the purpose of it. You would have public input into a bylaw that may need changes or may affect certain areas of the municipality. I suggest perhaps we should be looking at that.

**Hon Mr Elston:** The interventions of the members today have been quite helpful, and I could go on at length to address some of the issues raised, but I must say we are looking

forward to going out to committee and speaking to some of the issues.

I am certain the Minister of Municipal Affairs (Mr Eakins) will take due notice of the intervention of the member for Niagara South (Mr Haggerty), which I think is a very important contribution to making sure the process there is open.

The same applies with respect to the member for Oshawa, who also spoke about the issue of closed meetings. The closed-meeting concept is affected by this legislation inasmuch as it really tells councils that you must be open with your constituents and in fact that you must be able to provide the information for the people to make informed judgements on their own. I have a lot of faith in the fact that the commissioner's experience at the provincial level will allow that office to continue to function in providing the balance.

I am quite aware of the concerns expressed by the member for Carleton (Mr Sterling), who has indicated concerns about private information. We will look into those. I am looking forward to the committee and perhaps addressing several of the outstanding issues about which he spoke and the ones the member for Oshawa also raised.

The issue that was on all our minds was the one surrounding whether or not we could bring the legislation forward in a timely, workable fashion for the municipalities. I think that this bill has done that and that in fact the practical application of its provisions in the municipal and local board areas will be effective.

Motion agreed to.

La motion est adoptée.

Bill ordered for standing committee on administration of justice.

#### MUNICIPAL FREEDOM OF INFORMATION STATUTE ACT, 1989

Mr Elston moved second reading of Bill 52, An Act to amend certain Statutes of Ontario Consequent upon Enactment of the Municipal Freedom of Information and Protection of Privacy Act, 1989.

**Hon Mr Elston:** As indicated by the title of the bill, this is a companion piece to Bill 49, and I think the amendments are necessary as a housekeeping exercise.

**Mr Breaugh:** We would support this bill as it is a companion to Bill 49 and we would also ask at the same time that it go to committee.

**Mr Harris:** We also would support the principle of the bill and would concur that, as long as Bill 49 is going to committee, this bill go



as well, so they can proceed at the same time, in the interests of speeding things along and making sure that progress is made, as it should be made, on important items of business like this.

**Hon Mr Elston:** I have no problem with this bill going at the same time as Bill 49 to the standing committee on administration of justice and look forward to seeing it there.

Motion agreed to.

Bill ordered for the standing committee on administration of justice.

#### TOWNSHIP OF SOUTH DUMFRIES ACT, 1989

Mr Ballinger moved, on behalf of Mr Sweetney, second reading of Bill 55, An Act respecting the township of South Dumfries.

**Mr Ballinger:** Bill 55 amends the Police Village of St George Act, 1980, to extend the boundaries of the urban service area and the municipal hydroelectric service area.

**Mr Breugh:** We will be pleased to support Bill 55. There is a little bit of a problem with boundaries in South Dumfries, and we want to do anything we can to help the residents of that area who have suffered under poor representation for these many years. I know the parliamentary assistant is anxious to proceed with this legislation—

**Hon Mr Elston:** Are you commenting publicly on the wisdom of the constituents of South Dumfries?

**Mr Breugh:** No. I understand they have been trying to keep somebody who would normally be unemployed warm during the winter and we are happy to concur with that.

**Mr Harris:** We too will support the bill on second reading. In winding up second reading debate, I would be interested in hearing from the parliamentary assistant any of the comments or reactions that he has from South Dumfries township and from neighbouring municipalities or jurisdictions that may be affected by the changes.

Not being a resident of South Dumfries myself, I am not totally familiar with any local concerns that may exist with this particular bill, but as one who has admittedly seen a large part of the province over the summer, South Dumfries has eluded me and it is an area I must get to shortly to find out precisely what they feel about Bill 55.

When the parliamentary assistant concludes, I would be interested if he would share with the

House any reaction his ministry has from both South Dumfries and surrounding townships.

#### 1750

**Mr McCague:** The first item speaking to this bill should be to congratulate the member for Durham-York (Mr Ballinger) on his appointment as parliamentary assistant to the Ministry of Municipal Affairs and to tell him how pleasant it is on this side of the House on the opening of this part of this session. It is unbelievably and pleasantly quiet over here right now. I hope the promotion which the member has received will find him a little less vocal during important parts of this Legislature than previously.

I am surprised that my colleague the member for Nipissing (Mr Harris) has not realized that this bill is somehow related to that place called St George. I have been out of the House for the last half-hour; the purpose was to try to contact the boys at Earl's Shell to see what they thought of this bill, but the phone has been busy and I can only presume that the Treasurer (Mr R. F. Nixon) has been on there talking to them about other important matters of taxation and such and that they were not able to tell me or give me the benefit of their wisdom.

However, with those few items that are not really so important, I will, like my colleague the member for Nipissing, indicate to the minister that as a first endeavour, the first bill that he has to pass in this House is going to be an easy one unless my colleagues from the NDP see differently.

**Mr Ballinger:** I want to thank the members on the other side of the House. It is my pleasure to stand in the place of the minister today.

For the information of the House, in 1980 the village of St George was dissolved, and when that was done there were boundaries that were established. The problem they have discovered in South Dumfries is that any proposed development or any expansion to the community cannot happen until those boundaries are moved out to coincide with the proposed expansion.

The township of South Dumfries, for the member for Nipissing, requested this bill. The Minister of Energy (Mrs McLeod) has been consulted and does not have any difficulty with it at all. In fact, the township of South Dumfries is waiting patiently for this—

**An hon member:** Ron Eddy was never patient.

**Mr Ballinger:** That is right. Ron Eddy, the reeve, was never patient. However, we have been informed that he is waiting patiently and

would appreciate very much the support of the House in approving second reading.

Motion agreed to.

The House adjourned at 1756.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committees of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orléans L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committees of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farman, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaître, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwint, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)



**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

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Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

**Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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Bradley, Hon James J., Minister of the Environment

Scott, Hon Ian G., Attorney General

O'Neil, Hon Hugh P., Minister of Mines

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs

Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions

Wrye, Hon William, Minister of Transportation  
Kwinter, Hon Monte, Minister of Industry, Trade and Technology

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations

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Fontaine, Hon René, Minister of Northern Development

Ramsay, Hon David, Minister of Agriculture and Food

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 Offer, Hon Steven, Solicitor General  
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 Beer, Hon Charles, Minister of Community and Social Services  
 Black, Hon Kenneth H., Minister of Tourism and Recreation  
 Morin, Hon Gilles E., Minister without Portfolio  
 Collins, Hon Shirley, Minister without Portfolio

### PARLIAMENTARY ASSISTANTS

Adams, Peter, assistant to the Minister of the Environment (Peterborough L)  
 Ballinger, William G., assistant to the Minister of Municipal Affairs (Durham-York L)  
 Bossy, Maurice L., assistant to the Minister without Portfolio responsible for disabled persons (Chatham-Kent L)  
 Carrothers, Douglas A., assistant to the Minister of Industry, Trade and Technology (Oakville South L)  
 Cleary, John C., assistant to the Minister of Agriculture and Food (Cornwall L)  
 Cooke, David R., assistant to the Minister of Citizenship (Kitchener L)  
 Curling, Alvin, assistant to the Minister of Intergovernmental Affairs (Scarborough North L)  
 Daigeler, Hans, assistant to the Minister of Revenue (Nepean L)  
 Dietsch, Michael M., assistant to the Minister of Labour (St Catharines-Brock L)  
 Elliot, R. Walter, assistant to the Minister of Housing (Halton North L)  
 Fawcett, Joan M., assistant to the Minister of Skills Development (Northumberland L)  
 Ferraro, Rick E., assistant to the Minister of Financial Institutions (Guelph L)  
 Fleet, David, assistant to the Minister without Portfolio responsible for women's issues (High Park-Swansea L)  
 Fulton, Ed, assistant to the Minister of Tourism and Recreation (Scarborough East L)  
 Grandmaitre, Bernard C., assistant to the Minister of Health (Ottawa East L)  
 Haggerty, Ray, assistant to the Minister of Consumer and Commercial Relations (Niagara South L)  
 Henderson, D. James, assistant to the minister responsible for the provincial anti-drug strategy (Etobicoke-Humber L)

Hošek, Chaviva, assistant to the Chairman of Management Board of Cabinet (Oakwood L)  
 Keyes, Kenneth A., assistant to the Minister of Education (Kingston and The Islands L)  
 Kozyra, Taras B., assistant to the Minister of Northern Development (Port Arthur L)  
 Leone, Laureano, assistant to the Minister of Culture and Communications (Downsview L)  
 Lipsett, Ron, assistant to the Minister of Energy (Grey L)  
 Lupusella, Tony, assistant to the Minister of Government Services (Dovercourt L)  
 McGuigan, James F., assistant to the Minister of Agriculture and Food (Essex-Kent L)  
 Miller, Gordon I., assistant to the Minister of Transportation (Norfolk L)  
 Nicholas, Cindy, assistant to the Solicitor General (Scarborough Centre L)  
 Polsinelli, Claudio, assistant to the Attorney General (Yorkview L)  
 Poole, Dianne, assistant to the Minister without Portfolio responsible for senior citizens' affairs (Eglinton L)  
 Reycraft, Douglas R., assistant to the Treasurer and Minister of Economics (Middlesex L)  
 Riddell, Jack, assistant to the Minister of Natural Resources (Huron L)  
 Ruprecht, Tony, assistant to the Minister of Community and Social Services (Parkdale L)  
 Smith, David W., assistant to the Minister of Correctional Services (Lambton L)  
 South, Larry, assistant to the Minister of Mines (Frontenac-Addington L)  
 Stoner, Norah, assistant to the Minister of Colleges and Universities (Durham West L)

### STANDING COMMITTEES

Administration of justice: chair, Mr Callahan; vice-chair, Mr Chiarelli; members, Messrs Hampton, Kanter, Kormos, Mahoney, McGuinity, Offer, Polsinelli, Runciman and Sterling; clerk, Douglas Arnott.

Finance and economic affairs: chair, Mr D. R. Cooke; vice-chair, Mr Pelissero; members, Messrs Cleary, Ferraro, Haggerty, Ms Hart, Messrs Kozyra, Mackenzie, McCague, Morin-Strom, and Pope; clerk, Lisa Freedman.

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Roberts, Messrs Runciman, South and Velshi; clerk, Harold Brown.

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Ombudsman: chair, Miss Nicholas; vice-chair, Mr Bossy; members, Ms Bryden, Messrs Carrothers, Cousens, Henderson, Mrs LeBourdais, Messrs Lupusella, MacDonald, Philip and Pollock; clerk, Franco Carrozza.

Public accounts: chair, Mr Philip; vice-chair, Mr Pouliot; members, Messrs Adams, Ballinger, Charlton, Ms Collins, Mr Cousens, Mrs Fawcett, Miss Nicholas, Messrs J. B. Nixon and Villeneuve; clerk, Tannis Manikel.

Regulations and private bills: chair, Mr Furlong; vice-chair, Mr Sola; members, Messrs Black, Keyes, Leone, Mackenzie, McCague, Miclash, Morin-Strom, Pollock, D. W. Smith, and Sola; clerk, Lisa Freedman.

Resources development: chair, Mr Laughren; vice-chair, Mr Wildman; members, Messrs Brown, Dietsch, Lipsett, Mrs Marland, Miss Martel, Mr McGuigan, Mrs Stoner, Messrs Tatham and Wiseman; clerk, Lynn Mellor.

Social development: chair, Mr Neumann; vice-chair, Mrs O'Neill; members, Messrs Allen, Beer, Carrothers, Mrs Cunningham, Messrs Daigeler, Jackson, R. F. Johnston, Owen and Ms Poole; clerk, Todd Decker.

### SELECT COMMITTEES

Education: chair, Ms Poole; vice-chair, Mr Mahoney; members, Messrs Beer, D. S. Cooke, Furlong, Jackson, R. F. Johnston, Keyes, Miclash, Mrs O'Neill and Mr Villeneuve; clerk, Tannis Manikel.

Energy: chair, Mr Carrothers; vice-chair, Mr McGuigan; members, Messrs Brown, Charlton, Cureatz, Mrs Grier, Messrs Matrundola, McGuigan, M. C. Ray, Runciman, South and Mrs Sullivan; clerk, Deborah Deller.

### SPECIAL COMMITTEE

Parliamentary precinct: co-chairs, Hon Mr Edighoffer and Mr Epp; members, Messrs Breaugh, Reyecraft and Sterling; clerk, Smirle Forsyth.

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Wednesday 11 October 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 11 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### PROPOSED NEUTRINO OBSERVATORY

**Mr Laughren:** There was rejoicing in Sudbury recently when this government announced that there would be funding for the Sudbury neutrino observatory to the tune of \$7.6 million. The project will observe neutrinos deep underground at the Creighton mine near Sudbury.

The international scientific community is excited because there is a lot we do not know about neutrinos and there is much to learn. What we do know, however, is that this project is going to put Sudbury on the map in the scientific community and will attract scientists to Sudbury from around the world for years to come. It will encourage and stimulate research at Laurentian University and probably at Cambrian College as well.

You can imagine our surprise, however, when we learned that all the money, the \$7.6 million, is going to come from the northern Ontario heritage fund, not from the Premier's technology fund. "Oh no," Mr Kwinter said. "If it is not cutting down trees or digging up ores, it must not be right for northern Ontario." I did not come here to bury Caesar. I came here to praise Caesar and to say that it was appropriate the money should come; however, not from the northern Ontario heritage fund because that is going to mean other northern Ontario projects are shortchanged. This money should have come from the Premier's technology fund, not from the northern Ontario heritage fund.

### VIOLENCE AGAINST WOMEN

**Mr Jackson:** Violence against women is emerging as one of the most serious problems ever to confront modern society. A study released yesterday by Linda McLeod to an international urban safety conference indicates that one million Canadian women are abused by their spouses each year, that one in four women in Canada can expect to be sexually assaulted at some time and that 15 per cent of all homicides are murders of women by their husbands.

This study observes that women are responding to the ever real danger in which they often find themselves by imposing restrictions on their actions and those of their children.

Linda McLeod, an expert on battered women, concludes that to reduce violence against women, we must not only encourage nonviolent attitudes, push security-conscious planning and start broad-based community action groups, but in addition, governments must show greater support for community services that deal with violence against women.

Because of government underfunding, the Hamilton and area Sexual Assault Centre recently cancelled important programs that helped to rehabilitate victimized women. To date, the new Solicitor General (Mr Offer) has failed to respond. Linda McLeod's study should remind the Solicitor General and his government of their responsibilities to the women of this province to fund adequately those services that women depend on.

Women who live in fear and who suffer the consequences of violence need to know that these centres are funded properly and are delivering the full range and care that women need. This government has clearly failed to let the women of Ontario know that their problems are understood and that they are being acted upon.

### UNITED WAY

**Mr Chiarelli:** One in four people in Ottawa-Carleton benefit in some way from United Way agencies. The volunteer pin I am wearing symbolizes people helping people. I have learned since my election that governments do not touch people. People touch people. The 51 agencies in Ottawa-Carleton reach out in many ways and are the front lines of a large extended family, which is our community of Ottawa-Carleton.

United Way agencies help the blind, the elderly, the disabled and many less fortunate people of all ages. I urge the people of Ottawa-Carleton to become part of the United Way family. Call the United Way and please offer your time and assistance. Help keep Ottawa-Carleton friendly, humane and just a nice place to live. Help the United Way.

I know my Ottawa-Carleton colleagues support the United Way directly and trust that all MPPs will get behind United Way campaigns across the province. Together, it helps all of us.

#### SLOVAK GRADUATION BALL

**Mr Kormos:** Last Friday, 6 October, the women's committee of the Canadian Slovak World Congress conducted its fifth annual Slovak graduation ball in Rexdale and I was pleased to be a guest at that event.

Five years ago, the women of the Slovak World Congress set out to establish an event that would strengthen the ties among Slovak Canadian youth with their ethnic community. They initiated the annual graduation ball, both to recognize the achievements of Slovak youth and to provide an opportunity for them to meet with each other and to renew old acquaintances.

The unflagging dedication and hard work of volunteers like Mary Biason of Bolton, the secretary of the women's committee, has resulted in an annual function that is outstanding. Every year, Slovak Canadian youth who have excelled are honoured. Young Slovak Canadians from across Ontario participate.

This year, I am proud to tell members that seven young Canadians from Welland-Thorold were among those young people. These are Natalie Vasko from Centennial Secondary School; Marla Ivan, graduate of Notre Dame College; Veronica Vasko, graduating from Brock University; Shelley Kiss, also graduating from Brock University; Mark Csele, a graduate of the University of Waterloo; Kevin Kiss, a graduate of Brock University, and Tom Pastirik, a graduate of the the University of Western Ontario.

These young people are proud of their Slovak heritage. The Slovak Canadian community, as is the whole province, is proud of them. I know this Legislature joins me in wishing every one of them the very best for the future.

#### BOATING SAFETY

**Mr McLean:** My statement concerns my private member's Bill 8, the Motor Boat Operators' Licensing Act, which received first reading on 8 May 1989.

This bill would require those wishing to operate motor boats larger than 25 horsepower to either have some form of driver's licence, written examination or complete a motor boat operation course. As well, this bill sets age limits for licensing, makes it an offence to operate a boat carelessly or while impaired, and it gives police

the authority to enforce the same operation of motor boats in as much as the Highway Traffic Act regulates the safe operation of vehicles on roads and highways in Ontario.

Boating mishaps have occurred with more than 300 deaths over the last five years. I am a boater myself and I really do not like the necessity of imposing tough regulations on our waterways, but stupidity and carelessness have made this type of legislation inevitable.

Increased congestion on our waterways and a new breed of damn-the-consequences boaters have brought it on themselves by demonstrating that they either do not care or do not know the fundamentals and courtesies of safe boating in Ontario.

It was interesting to see a newspaper article this summer in which the Premier (Mr Peterson) expressed his concern about the growing number of boating accidents and the mounting death toll on our waterways. I look forward to receiving the support of all members of the Legislature to ensure that Bill 8 receives speedy passage.

#### ROLLING THUNDER THEATRE COMPANY

**Mr Neumann:** I am pleased to rise today to invite all members to a very special event, the first performance at Queen's Park of the Rolling Thunder Theatre Company from Brantford. Tomorrow, at 1215 in the Ontario Room, this group of talented actors will be putting on a show which I encourage all members to attend. Along with the Minister without Portfolio responsible for disabled persons (Ms Collins), I am proud to co-sponsor this event.

Rolling Thunder is a group of actors who operate out of Participation House in Brantford and is composed of both disabled and, as they would say, the "normals." The group has performed right across Ontario, in the United States and elsewhere in Canada. Their productions are intended to entertain and raise awareness about challenges faced by the disabled. I have been fortunate enough to see their past couple of performances and I am attest to the fact that they succeed in achieving both goals.

For those of us who are fortunate enough to live without the physical and attitudinal challenges faced by the disabled, the performances of Rolling Thunder provide an opportunity to gain insight into what it is like to face these difficulties day in and day out.

I am delighted that Rolling Thunder is coming to do this special performance tomorrow. All members will find their show to be both entertaining and enlightening.



The minister and I viewed their debut performance in Brantford last week and I can assure members it is a performance they will not forget. See you tomorrow at 1215.

1340

### ASSISTANCE TO FARMERS

**Mr Wildman:** Last week the provincial government approved a \$3-million flood relief program for farmers in Essex county and the regions of Niagara and Haldimand-Norfolk. This relief program would help farmers offset interest charges as a result of delayed payments on operating loans.

There is no question that severe weather conditions last spring and summer required additional government assistance to compensate farmers for losses over and above amounts available to them through the crop insurance programs. However, the estimated losses from the extensive rains in July in Essex county alone were between \$15 million and \$17 million, particularly to soybean and tobacco crops.

Initially, the former Minister of Agriculture and Food argued that farmers should have crop insurance to cover their total losses and that thus no additional assistance was necessary. He was overruled by the cabinet. This led farmers in southwestern Ontario to believe that there would be substantial financial assistance from the provincial government, only to discover that now the provincial Liberal government is not prepared to give anything like the amount of compensation they need. At least the member for Huron (Mr Riddell) was honest about his unwillingness to help them.

This announcement last week betrays the deceit of his successor once again and unfortunately signals the kinds of difficulties farmers face in dealing with him.

### CONTAMINATED SOIL

**Mrs Marland:** I would like to congratulate the present and former residents of McClure Crescent in Scarborough for persevering on the side of justice. They have won their battle for compensation from the province for living in houses built on provincially owned land that was contaminated with radioactive soil.

The province will pay between \$17,000 and \$48,000 to each of the 48 families to compensate for the loss of their deferred mortgages. They deserve this and even more. These families have experienced financial and emotional hardships like no others. They live with the knowledge that

their children have been exposed to radioactive soil in their very own backyards.

I was more than pleased to see that the Attorney General (Mr Scott) will not appeal the Ontario Court of Appeal decision upholding a 1987 Supreme Court of Ontario ruling in favour of the 48 McClure Crescent families. I am also pleased to see the Premier (Mr Peterson) has at least partially lived up to one of his 1985 election promises.

There is still, however, the matter of the soil removal. As we know, the provincial government purchased a number of the homes on McClure Crescent in 1986, but it then turned around and rented these homes to people desperate for a place to live and forced them to sign waivers acknowledging the presence of radioactive soil.

If the Premier were serious about his promise to clean up the McClure Crescent site, he would take steps to remove the tainted soil immediately and to ensure all future housing projects approved by this government are free and clear of any hazardous contamination.

### CHILDREN HELPING CHILDREN

**Mr Velshi:** I want to bring to the attention of the House a most worthwhile charity walkathon organized by the Association of Day Care Operators of Ontario called Children Helping Children. For the third consecutive year, this Association of Day Care Operators of Ontario is sponsoring this walkathon for sick kids. The participants will be the children of the various day care centres in Ontario, who will walk around their centre's playground or neighbourhood to raise funds.

Last year, ADCO raised approximately \$70,000, with 15,000 children participating. This year their goal is \$100,000 with a participation of about 20,000 children.

Due to the overwhelming support from centres outside Toronto during the past two years, the association has decided that the proceeds from this year's walkathon will be presented to two more hospitals, Children's Hospital of Western Ontario in London and Chedoke McMaster Hospitals in Hamilton, in addition to the original beneficiary, the Hospital for Sick Children here in Toronto.

The walkathon will take place on Thursday 12 October, with a rain date of Friday 13 October. I encourage all members to get out and help the Children Helping Children in their area.



## VISITOR

**The Speaker:** I know all members will want to join me in welcoming a former member of this Legislature and this parliament, Mel Swart.

## STATEMENT BY THE MINISTRY

## HOSPITAL-IN-THE-HOME PROGRAM

**Hon Mrs Caplan:** I am pleased to be able to inform the Legislature today that my ministry will be providing a total of \$10 million in funding for at least five hospital-in-the-home projects. They are expected to provide more intensive acute care services than are now available in home care programs.

This method of providing care at home enables patients to stay with their families and will be of most benefit to senior citizens and children. It will also enable some of those in hospital to shorten their length of stay and go home earlier. The specific type of acute care provided in each hospital-in-the-home project will differ according to local needs.

I am announcing today a call for proposals with a deadline for receiving them of 29 December. The ministry will review the proposals and the successful applicants will be announced by next April.

The hospital-in-the-home concept is in keeping with this government's commitment to innovative health strategies. As the Premier (Mr Peterson) has said, "We are building a new system of health care for the 21st century, one that emphasizes innovation, community services and illness prevention."

To qualify, a hospital-in-the-home program must include guaranteed admission to the program within 24 hours upon referral by a physician, the ongoing monitoring of patients by doctors and nurses, and availability of the same basic medical technology as hospitals.

Ontario has very good hospital-based medical care services with highly sophisticated technology to support critical care patients, and we are committed to maintaining and enhancing it while at the same time making a wider range of services available to people in their communities and as close to home as possible.

## RESPONSES

## HOSPITAL-IN-THE-HOME PROGRAM

**Mr Reville:** We have heard again today from the minister the Liberal wish chant about quality care as close to home as possible. Clearly, the facts show that quality care in Ontario may be as close as Detroit or Nova Scotia or may not exist at

all, as in the case of the woman who tried to go to 14 hospitals and could not get into any hospital.

Obviously, this party welcomes hospital-in-the-home kinds of programs, which would begin to fulfil the promise the government has made over and over again to deliver care to people in their homes. The need, on the other hand, is so great in the province that I do not believe this \$10 million will cause one person to be discharged from hospital earlier, nor do I believe that one blocked hospital bed will be freed up, because in fact the response of government to home care needs has been so inadequate that this program will vanish within a moment.

It is also important, I think, to realize that although \$10 million, Mr Speaker, is to you and to me a great deal of money, in terms of the health care budget it is a picayune amount of money and represents one tenth of one per cent of the kind of health care budget that is yearly expended.

Rather than a hospital in a home, we see that there is a very great need for a hospital in a hospital in this province, where we are seeing increasing problems with cardiovascular surgery, cancer treatment, perinatal and neonatal treatment, and clearly in emergency services in hospitals. It is hard to say that we do not want to see hospitals in the home. It is very hard to get really excited about this little project.

**Mr B. Rae:** I just want to emphasize what the member for Riverdale has said. The minister had the gall to quote her leader who said, "We are building a new system of health care for the 21st century, one that emphasizes innovation, community services and illness prevention."

What the Premier (Mr Peterson) should have said, if he had a modicum of understanding of the health care system that now confronts us, is that Ontario is building a health care system that emphasizes waiting lists, people dying while on waiting lists, a decline in quality of service in hospital after hospital, phone calls that are not answered and people unable to get at the kind of care they need.

It involves people having to travel not just a few miles for care, but thanks to the way in which cancer care has been allowed to deteriorate under the Liberal government since 1985, it involves people being asked and expected to travel hundreds of miles away from their loved ones in order to receive treatment that five years ago was regarded as basic and fundamental in Ontario.

**1350**

That is what has been allowed to happen under this government; none of this falderal and nonsense and flim-flammy about innovation,

community service and all this prevention. There is not one basic service that has been improved. There is not one aspect of access to service for patients that has been improved under this government, and that is the record of mismanagement and bad planning and incredible neglect that has been allowed to build up under the Liberal government of Ontario.

Interjections.

**The Speaker:** Order. Further responses?

**Mr Eves:** I am rising today to comment also on the statement by the Minister of Health. As the Leader of the Opposition was talking, several government members opposite were saying, "What are you yelling for?" We are yelling on this side of the House, very simply, because we happen to be concerned about people who die when their physician tries to get them into 15 different hospitals in the province and cannot get into a hospital and end up dying.

If the members are not concerned about that, I would suggest they have a serious problem over there, a very serious problem. We have some serious problems in health care in this province and it is about time the minister started doing something about it.

How does the minister have the gall to rise in the House this afternoon and make this flim-flam, nicey-goosey statement when people are dying because they cannot get into a hospital because the minister is cutting back beds in the province? She has cut back 700 in Metropolitan Toronto alone; she promised an additional 4,000.

Her leader was out there in two election campaigns promising to improve health care, to provide more beds. The minister is cutting beds out of the system, she will not provide hospitals with the funding they need, and people end up dying because of it. The people who are lucky, who do not end up dying, end up getting to go to Newfoundland, New Brunswick, Manitoba, Alberta and all kinds of places, the United States of America, for treatment because the minister's world-class health care system that she inherited in 1985 she is running into the ground in 1989.

**Mr Jackson:** I was not going to comment until I heard the minister say in her statement today that this was an announcement of particular benefit to seniors, to allow them to live independently in their homes for longer periods of time. I want to apprise her and her leader that it was only a few weeks ago during hearings of the select committee on education that we wanted to ask this government if it had done any analysis of the impact of property tax increases for senior

citizens and their ability to live in their homes longer and afford their taxes.

In fact, we checked with the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin), and there was no tracking of the Ontario property tax rebate program and its impact on senior citizens. All the minister's announcements about the health needs for senior citizens will not benefit them one bit if they cannot afford the rents in their apartments and they cannot afford to pay the taxes in the homes they are living in.

Especially in light of all the programs which the minister and her government have offloaded on to property taxpayers, it is our senior citizens on fixed incomes who are hurting the most, and it is they who have their disposable income reduced nearly to nothing. Until the minister understands that when she says, "We're going to provide hospitals in the home," when she puts in place programs for senior citizens to allow them to live in their homes, she must remember that they must also be able to afford to live there. It is property taxes, because of her government passing on increases, which are driving them out of their homes.

That is what the minister should be sensitive to, that is what she should be understanding. And that is the information the Minister of Revenue (Mr Mancini) should have had, and he, too, did not have it.

## VISITOR

**The Speaker:** I might now draw the attention of the members to another visitor in the lower east gallery, Patrick Reid. I believe he was the former leader of the Liberal-Labour Party?

## ORAL QUESTIONS

### HOSPITAL SERVICES

**Mr B. Rae:** Yesterday afternoon while we were debating various issues in the House, a human tragedy was unfolding in a hospital in this province. The minister, I know, is acquainted with the facts of this case as much as I am; at least I suspect that she is. I have just gotten off the phone with the administrator of the Huronia District Hospital in Midland, who told me that he and his colleagues on the medical staff spent well over three hours trying to find a bed and emergency care for a woman who had just swallowed a lot of acid and whose life was in danger.

I wonder if the minister can explain to the House, when she makes a statement just this very day saying, and I am quoting from her statement,



"Ontario has a very good hospital-based medical care system with highly sophisticated technology to support critical-care patients"—those are her words—how it is possible that a patient would arrive at an emergency room in Midland at 1:57 and that she would not be able to be discharged until 7:22 that evening and would not, in fact, find her way to another hospital until far later than that.

**Hon Mrs Caplan:** In fact, I asked those very same questions myself when I heard of this incident and read about it this morning. For the information of the Leader of the Opposition as well as for all members of this House, this is the subject of a coroner's investigation and a possible inquest, and I have therefore been advised that it would be inappropriate for me to comment. I cannot.

**Mr B. Rae:** That is an even more major copout than the one that is exemplified by the phantom of the Legislature, her leader. What I would like to ask the minister, if she is not prepared to comment on that particular—I do not understand why she cannot comment on what has taken place, but I wonder if she can perhaps explain why it would be that the administrator told me that he was quite prepared to talk and he was quite prepared to say how he saw it from his perspective. He told me very directly that they phoned 14 hospitals and that they also phoned the emergency trauma line which was announced with much fanfare in this House by the minister as the way to solve the problems which I have raised in this House and which other members in other parties have raised in this House over the last couple of years.

Can the minister explain why it would take from two o'clock until nearly 7:30 in the evening before a woman was even on her way to any hospital which could provide her with the care which was necessary to save her life?

**Hon Mrs Caplan:** I was very distressed when I read the account of this particular incident. I asked the ministry to investigate. I understand that this is the subject of a coroner's investigation and could result in an inquest, and because of those facts not only is it inappropriate but it would prejudice, I believe, the findings of that inquest if information, which may or may not be accurate and leading to the facts, was discussed in this House. So I have been told that in fact I cannot comment on this situation at this time.

**Mr B. Rae:** I hope the minister is not suggesting for a moment that Dr Nesdoly, who is a well-regarded emergency physician, and that Mr Key, who is the administrator of the hospital,

would be providing information to the House or to the public which is incorrect. The facts are as I have expressed them. I have tried to be as absolutely accurate as I can. At 1:57 a patient arrives, having driven herself to this hospital; she tells them that she has just swallowed this stuff and she understands the urgent nature of this crisis. It takes until 7:22 before this woman is discharged from the hospital. The doctors knew almost as soon as she had admitted herself that they were not able to perform the surgery which might have saved her life. They then spent over three hours phoning hospital after hospital all over southern Ontario—

**The Speaker:** Your question?

**Mr B. Rae:**—including that emergency line, and got nowhere. Can the minister give us any guarantee that the same situation will not be repeated this afternoon at 1:57?

**Hon Mrs Caplan:** What I can say to the Leader of the Opposition and to everyone in this House is that I believe everyone in this province cares as much as I do to ensure that people have access to the services that they need when they need them. I believe that the facts must come out in the most appropriate form. I have been told that this particular case is under investigation by the coroner's office. I believe that all the questions that must be answered will be answered and should be answered so that this kind of situation hopefully can be avoided in the future.

1400

#### AUTOMOBILE INSURANCE

**Mr B. Rae:** I have a question for the Minister of Financial Institutions. I want to begin to take the minister down to cases in terms of what he is proposing to do with car insurance, and I want him to justify what he is proposing. The language of the proposed act which the minister has put forward limits the right to sue by people who are affected by an accident to death or "permanent serious disfigurement; or permanent serious impairment of an important bodily function caused by continuing injury which is physical in nature."

It is interesting that that is precisely the language which the insurance industry asked the Ontario Automobile Insurance Board for. The insurance board said it could not go that far, it could not recommend it. It is the language which the minister bought. But what I want to ask the minister is this: Why is he saying that emotional trauma, psychological trauma, the psychological and emotional devastation caused by an accident



is no longer worthy of compensation by right to sue in Ontario? Why is he saying that?

**Hon Mr Elston:** The honourable gentleman knows that is not what is being said. He knows that in situations where there are serious injuries that are accompanied by that type of trauma, they in fact will be compensated. But even more than that, he is aware that what we have put in place is a system that can reply quickly and respond quickly to the needs of those psychological difficulties created by trauma.

In fact, what we have done is provided a release of pressure from those people, because we have increased the wage replacement that is available within a week of the accident. We have put in place supplementary medical and rehabilitation services immediately upon the accident having occurred. We have put in place another \$500,000 in long-term care to assist those people as they deal with those traumas.

So what the gentleman has failed to indicate to the people is that we have a much more comprehensive way of assisting those people in the early days; in fact, for those people who have suffered a trauma that causes them problems as a result of an accident, they will be sustained in their ability to come back into the community, go back into the workplace, at a much better level and will be able to undertake litigation at a time which, under our current system, they are prevented from doing because they get no release at all.

**Mr B. Rae:** Let me again try to be as specific as I can. Let me give the minister an example. A mother and her young daughter are crossing the street. The young daughter is killed. The mother sees this. She is working; maybe she is making \$20,000, \$25,000 a year. The minister knows perfectly well that under the definitions in his legislation, that woman is not able to sue the driver who killed her daughter. She is not able to sue because she does not have a "permanent serious impairment of an important bodily function caused by continuing injury which is physical in nature." Those are the minister's words. They are not my words; they are his words.

What this woman has is an emotional trauma. Let's say that emotional trauma stops her from working for two or three years. What I am saying to the minister is: Can he deny that that woman is prevented, by the wording in this act, from suing a careless driver who killed her daughter, and she is prevented from receiving payment from that driver for the pain and suffering—

**The Speaker:** Order. The question has been asked.

**Hon Mr Elston:** What the honourable gentleman has prevented himself from acknowledging is that under the circumstances, there is a death benefit payable. Right?

**Mr D. S. Cooke:** That is not what he is asking.

**Hon Mr Elston:** The fact of the matter is that the estate can sue. It is not very much consolation to have a death compensated by money; I appreciate that, but that is in fact what can occur. The estate of the child is able to sue the driver. There are other things that take effect when a litigation is instituted on behalf of the estate of the deceased. Through that process there will be some compensation—not nearly enough; I know it is not nearly enough when somebody loses a child. But the litigation that comes by the result of the death will be able to be prosecuted.

The other thing that occurs is that where there is a requirement that she is off work, she will receive no-fault, she will receive no-fault benefits when she is working, she will receive the rehab, she will receive the medical, she will receive long-term care. She will receive all of those things to allow her to be supported as she goes through those difficult times.

The system, like every other one, of course, is not perfect. I am sure the member will be able to contrive some scheme of facts that he might believe will preclude a recovery.

But let's look at what we have now. We have a tort system now where almost one third of the seriously injured people in this province are unable to recover anything at all. I would say that this is a substantial improvement over that; in fact, in some of the grey areas the member will obviously try to point out, we will be able to respond much more effectively.

**Mr B. Rae:** If I can refer again to my example, I say to the minister that what the woman would receive under a system in which she could sue for her own damages and what she will get under the system of income replacement, benefits up to a maximum of \$450 which the minister has set out—that difference runs into the tens of thousands of dollars.

If the minister wants to go over the facts with me or go over any other hypothetical case which I am going to be raising with him over the next several weeks, I can go over with him clearly. What I am telling him is that what he is doing is taking money out of the pockets of innocent victims and putting it into the pockets of the insurance companies. That is precisely what he is doing. That is exactly what he is doing. He has a

law here which is restricting the right to sue, which is taking rights away from citizens and from innocent victims and putting it into the pockets of the insurance companies, and that is the only way in which he says he is going to be saving people money.

**The Speaker:** What is the question?

**Mr B. Rae:** The only reason he is saving people money is because he is shafting people who are getting hit and who are getting hurt in Ontario today. Can the minister confirm that?

**Hon Mr Elston:** No. In fact, I can confirm that the honourable gentleman from the second party is wrong, and I do not mind confirming that he is in error. He is right when he contends that there will be areas of discussion about how the application of the threshold will take place. That is why we have in the serious situations allowed the continuation of a very impartial system, the tort system, to make judgements on those injuries and how far they are compensated.

I do not have a problem in having areas deliberated upon by the judicial system of this province. The member does not, either. None of us do. But let's look at what this system does accomplish. This system does intervene within a week to provide income replacement for those people who are off work. It does intervene right away, within 10 to 30 days, to provide the supplementary medical and rehab services. It does intervene and give up to \$500,000 for long-term care. It does provide the basis for people to come back into the workplace, back into their own homes. It provides child care expenses, for the first time. It provides an unemployed person with a weekly income supplement. It provides a homemaker who is unpaid with weekly income repayments.

So I can tell the honourable gentleman that this is a far superior social system than we have now, and I am pleased to provide this as a redistribution of the benefits that we are making available for insurance.

#### HOSPITAL SERVICES

**Mr Brandt:** My question is to the Minister of Health as well. The Minister of Health has already had relayed to her the facts surrounding the unfortunate case that occurred in the death at the Midland hospital. The minister will recognize that there were some 14 hospitals that were contacted and no services were available in those hospitals. Some of the major communities in this province, including Toronto, London, Barrie, Hamilton, all rejected this particular patient because of the unavailability of service.

Now the minister is indicating to the leader of the New Democrats that she cannot respond to questions with respect to this matter, based on the argument that there could be an inquest. I would like to ask the minister in regard to this which coroner has in fact ordered an inquest? When was that done? Could the minister share with this House the terms of reference of that suggested inquest?

**Hon Mrs Caplan:** As I have said to the leader of the third party, and as I say to him now, when I became aware of this particular case I asked the ministry to gather the information and the facts. I have been informed that this is the subject of an investigation by the coroner's office and that an inquest may be called. I will undertake, to the leader of the third party, that as we gather the information and the facts are available, if I am advised that I can report to the House I will be pleased to do that.

I share with him and all members the concerns that people have access to the services that they need when they need them. I want to see that the questions are answered in the appropriate forum, and I undertake to respond, if I can, in this forum.

1410

**Mr Brandt:** I would suggest that the minister is quite able to respond. There is no inquest. There is a study, an investigation with respect to the possibility of an inquest being called. The circumstances at this point in time, now that the minister is getting advice from the Attorney General (Mr Scott), are such that she can respond to questions in regard to this case.

I want to know, since the minister is now free to answer questions—the coroner has not ordered an inquest—how is it that this particular patient would be allowed to be in a circumstance where her life was threatened for over three hours while calls were being made to various hospitals and there was no response under the minister's system, which is supposedly a system that is world-class and is quickly becoming third- and fourth-class in terms of health care?

**Hon Mrs Caplan:** I am very concerned about having all of those questions answered. I will say to the leader of the third party that the ministry is investigating and, as appropriate, I will make that information available.

**Mr Brandt:** I am not sure from what the minister says who is investigating what in this case. Now she is saying the ministry is investigating. I want to get, if I could, to a question, which I believe she is free to answer in connection with this particular case.



There were 14 hospitals that were contacted in regard to the availability of the type of emergency response that would be needed to perform the operation on this unfortunate lady. Since in this House we have on numerous occasions brought to her attention the catastrophic situation that is being set up with many hospitals across the province in regard to cutbacks in services, could the minister indicate which of the 14 hospitals have suffered bed reductions, reductions in their required operating moneys, and what is the status of those particular 14 hospitals in total economic and financial terms? Could she indicate that?

**Hon Mrs Caplan:** I would say to the leader of the third party that in fact no budget of any hospital in this province has been reduced. There have only been increases.

**Mr Brandt:** I asked about beds. Answer the question.

**Hon Mrs Caplan:** What we have been acknowledging is that in fact beds are no longer the benchmark of services across the board and that many services do not require inpatient care. Emergency and trauma and highly specialized services do, but there are many, many services which can now be provided in alternative ways.

I would say to the member, for example, that outpatient services, particularly in Metropolitan Toronto since 1982-83 to present, have increased by some 82 per cent. So when we look at this particular situation, it is important for us to get the facts, to understand the situation. I will undertake to do that, but no hospital budget in this province has been decreased. There have only been increases.

**Mr Brandt:** And beds cut. Why don't you mention beds? The beds have been cut.

**The Speaker:** Order. New question, the member for Parry Sound.

**Mr Eves:** On the same subject to the Minister of Health: The minister is not answering the question that has been asked of her by either the leader of our party or the leader of the official opposition.

The fact that an investigation is going on by the coroner does not mean that the minister can abdicate her responsibility as Minister of Health for providing health care to the people of the province of Ontario. I would suggest to her that we have a very serious situation here. When a physician and a hospital try from 2 pm to 7:22 pm to find through her integrated trauma number that is supposed to resolve all these difficulties and individually to 14 different hospitals in four major centres in the province and cannot find one

single hospital that can admit this woman because of either no beds or no qualified surgeon to do this appropriate procedure—

**The Speaker:** Question?

**Mr Eves:** —or both, I would suggest to the minister that her health care system is in serious disarray and we are entitled to receive an explanation. What is the explanation?

**Hon Mrs Caplan:** I will say to the critic from the third party that I am very concerned about ensuring that the details of this specific case are addressed. I have undertaken to gather all of the facts and to ensure that they are made available to the coroner's office, which is investigating, and to members of this House.

I would say to the member that it is very important that we have all of the information and the facts in the appropriate forum so that we can ensure that we do everything we can within the province to see to it that people have access to the services they need and when they need them.

**Mr Eves:** If we could save 10 lives for every time the minister stood in this House and said, "I am always concerned when I hear about cases like this," she would have literally saved thousands of lives just standing up and making that quote.

If the minister is so concerned, then why does she not get off her seat and solve some of the problems in the health care system so those people do not die, so she will not have to come in here day after day and say she is always so concerned? I think that would be the answer to that problem.

Interjections.

**The Speaker:** Order.

**Hon Mrs Caplan:** We have identified a number of areas of specialty care. Trauma and emergency are but one. We are moving both to enhance and to strengthen the services that are available within the province. I would say that when we look at individual cases, it is very important that we have all of the facts but that we not damn the whole system.

We know there are very dedicated physicians and nurses and allied health professionals, hospital trustees working together to provide service to the people in this province, and I will undertake to gather the information and make it available to the coroner and to members of this House so that we can look at the structural changes which may be necessary to see that this does not occur in the future.

**Mr Eves:** Nobody is questioning the dedication of physicians or hospitals in this province.



What we are questioning is the dedication of the Minister of Health and the government in this instance.

Dr Nesdoly, who is a very well respected physician in Midland and has done some volunteer work very recently as a matter of fact in Africa, talked to me this afternoon on the phone and said, "I would expect this in a Third World country but I would not expect this to happen in Ontario in 1989." He also indicated, and this is a quote from Dr Nesdoly, that he is "tired of seeing Elinor's smiling face on TV every day telling the people of Ontario not to worry, everything is all right, when I am the one who has to talk to the family and explain to them that this woman died because of Elinor's system that could not get this woman into 15 different hospitals in the province of Ontario."

**The Speaker:** Did you have a question?

**Mr Eves:** The Ontario Medical Association, as I am sure the minister—

Interjections.

**The Speaker:** Order. Do you have a question? Please place it briefly.

**Mr Eves:** I wish you would time the responses as well as you time the questions.

**The Speaker:** Order.

**Mr Eves:** I withdraw that comment.

**The Speaker:** Thank you.

**Mr Eves:** My question to the minister is the same one that the Leader of the Opposition (Mr B. Rae) asked earlier in these proceedings. That is, very simply, can the minister assure this House that this will not happen again in the province of Ontario under any circumstances?

**Hon Mrs Caplan:** I can assure the critic from the third party and all the members of this House that we are working with all of our partners in health care to ensure, as best we can, that people have access to the services they need, effective quality services and as close to home as possible. I can say to him that we have undertaken to do that co-operatively with the professionals and with the hospitals who deliver the programs in this province.

**The Speaker:** New question, the Leader of the Opposition.

**Mr B. Rae:** I wonder if the minister can explain this case. I have just been advised that John Jagger, who was a hockey coach in Sault Ste Marie, hit his head on the ice at Memorial Gardens at around 6:30 pm on 1 October. Upon his arrival at the General Hospital in the Sault, the decision was made immediately to transfer

him to the unit at Victoria Hospital in London which is the hospital with which the General Hospital has had a relationship for many years.

I understand, according to the Sault Star of today, Wednesday 11 October, the hospital in the Sault was advised by the Victoria Hospital that he could not be moved and that they would not be able to send a team up to the Sault because of a shortage of intensive care staff. I am also told that there was a considerable delay in his transfer then to St Michael's Hospital and he died on the morning of 2 October.

**1420**

I wonder if the minister can explain. The incident involving the lady in Midland does not appear to be an isolated incident. Can the minister explain why it would be that again we would have doctors in the middle of the night chasing around the province trying to find the appropriate place for patients in this kind of difficulty?

**Hon Mrs Caplan:** I am not familiar with the details of the specific case. If the Leader of the Opposition would send me over the article to which he refers, I would be happy to ask the ministry to investigate.

I am always concerned when there are any kinds of problems or identified situations such as the one he has articulated. There are highly specialized services provided in centres across the province and I can tell the member that I know they are working together, probably for the first time, co-operatively with each other and with the ministry to try and resolve the kinds of issues, the human resourcing challenges as well as changing demographics that we face right across this province.

I would be pleased to look specifically into the situation the member has raised.

**Mr B. Rae:** According to Dr Frank Rutledge—again, this is quoting directly from today's Sault Star—who is associate co-ordinator of the critical care trauma centre at Victoria Hospital, he said, "The lack of staff and extreme demand are the reasons why the trauma team couldn't respond to Sault Ste Marie. 'When the call came on October 1, the trauma unit was short of staff and could not make the run,' he said. 'The hospital wouldn't jeopardize the safety of its own trauma unit patients by sending members of its reduced staff to the Sault.'"

I have no way of knowing, and neither does the minister, whether this period of time, whether the passage of a few hours, was the difference between life and death or not. What we do know is that up until this time, there was an established

relationship between the Sault hospital and the hospital in London. It was there and the system broke down.

**The Speaker:** And the question?

**Mr B. Rae:** What is also clear is that it is going to be breaking down in future because of the shortage of staff and because of the shortage of funding, and that is the reality in the Ontario health care system today.

**Hon Mrs Caplan:** In response to the Leader of the Opposition, I think it is important to note that trauma services are provided in a number of different centres and that referral patterns can vary according to need. These are highly specialized services.

I would be pleased to investigate the specific case he brings forward, but I point out to him that Sudbury also provides trauma services and that is closer in fact to the Sault. I would have to find out why in fact the referral was not made, but I would not question medical judgement as to how those determinations are made.

**The Speaker:** New question, the member for Sarnia.

**Mr Brandt:** To the Minister of Health: The minister will be aware that this circumstance that occurred in Midland is not in fact a unique situation in Ontario. Charles Coleman, whom she will recall from Mississauga, died under similar circumstances, the problem of the availability of beds. We had Mrs Gaccioli of Sarnia who was released, because of being on a long waiting list for heart surgery, from London Victoria Hospital, sent back to her home community in Sarnia and died later that day. Now we have this other case that has come to our attention as a result of the events that took place yesterday. Still another death has occurred, in addition to many more that are occurring across the province.

How can the minister sit in her place and respond by saying that there have been no cuts in budgets? We recognize that she did not cut budgets in hospitals. What she has cut is beds, and the benchmark for service in this province relative to health care is, not totally but in great part, the availability of beds. Now we have 14 hospitals that were contacted for one available bed and one service for an emergency case. How is it possible in the Ontario of 1989 that this woman could not find any place to have the surgery performed?

**Hon Mrs Caplan:** I would say to the leader of the third party in his preamble that in fact the situations of individual cases are very different.

That is why we must look at what the facts are as we determine what action can be taken, or should be taken or is appropriate to be taken, to ensure that people have access to the services they need when they need them.

A waiting time for elective surgery is not new in this province, and I would say to the member that availability of certain procedures in Ontario is better than in other parts of Canada. In fact, we have one of the highest rates of institutionalization in this province and our use of inpatient services is very high when you compare it with the opportunities, for example, that the Independent Health Facilities Act offers, to provide services in alternative locations of equally high quality. That is why we are looking at how our system is structured, to make sure that we can respond to these changing times when new technologies are allowing services to be provided in alternative ways.

**Mr Eves:** The minister will be aware of an OMA survey that was done and released on 29 June of this past year. More than 600 physicians in the province were surveyed and over half the physicians found that they were experiencing more difficulty, not less, in admitting patients to hospitals compared to just one year ago. The specific areas that are singled out here are Metropolitan Toronto and central Ontario, and their rates are that 55 per cent and 56 per cent of physicians are finding this.

A very independent Hospital Council of Metropolitan Toronto report, which I am sure the minister will also be aware of, clearly shows that more bed closings have taken place as hospitals attempt to meet government funding limitations. The reality of the matter is that, because of these limitations that the minister is placing on hospitals, people such as this Midland woman cannot get admitted to hospitals and in some unfortunate cases, like hers, they die because there are not sufficient beds or services to provide the care that is required.

Yesterday we talked about cancer clinics—

**The Speaker:** Question.

**Mr Eves:** There is another case. Jim Hunter who had a brain tumour—

**The Speaker:** Order. This, I am afraid I will have to say, is too lengthy. Do you have a one-sentence question?

**Mr Eves:** I have a one-sentence question.

**The Speaker:** Make it.

**Mr Eves:** Why would Mr Hunter have to wait for seven weeks to get radiation treatment at

Princess Margaret for a brain tumour when the minister told us yesterday—

**The Speaker:** Minister.

**Mr Eves:**—they can get treatment as soon as they need it as close to home as possible.

**The Speaker:** Order. Minister.

**Hon Mrs Caplan:** I think the information that the critic for the third party raises allows me to once again state that we rely on physicians in this province to ensure that people receive the care they need on a priority basis. We know that they are working very hard with the ministry and the hospitals to ensure that we have a system in place that people receive priority on the basis of needs.

We established at Princess Margaret a patient referral centre because we acknowledged that 50 per cent of the people coming to Princess Margaret come from outside of the Metro Toronto area and the hope of the referral centre is that they can be referred for service as close to home as possible.

#### PASSENGER RAIL SERVICES

**Mr Adams:** My question is for the Minister of Transportation. Last week the federal Minister of Transport announced drastic cuts to Via Rail service. These will seriously affect intercity rail transportation across Ontario and Canada. The people of Peterborough were devastated to learn that the Havelock-Peterborough-Toronto route will be completely eliminated in three short months' time.

Can the minister tell the House what discussions he has had with Mr Bouchard on the Toronto-Peterborough-Havelock route?

**Hon Mr Wrye:** I regret to tell the honourable member that I have not had a chance to talk to Mr Bouchard about that specific route, any more than I have had an opportunity to discuss any route in Ontario with my federal colleague. The very first I read about the minister's view, and it is not one that I endorse, that the Toronto-Peterborough-Havelock run has gone from being an intercity run to a commuter run was when I read that in the minister's statement last Wednesday afternoon.

I must say that when I was in Calgary in September of this year, along with my other provincial colleagues I pressed (a) for a moratorium and (b) for a round of what I would call true consultation, which includes the area that the honourable member is so rightly concerned about and, regrettably, Mr Bouchard did not indicate any interest in consulting with the province.

We find it very difficult on this side in the government to see, after rejecting consultation, the federal minister then turning around and arbitrarily and unilaterally announcing that certain runs that have been intercity runs are now, in his view, commuter runs. It would have been nice if he had shared that view with us over the last six months or so.

1430

**Mr Adams:** I am grateful for that response. This is a matter which is of enormous concern for both the county council and the city council in Peterborough, and I would ask the minister if he is willing to meet with community leaders on this important matter.

**Mr Wildman:** What a tough question.

Interjections.

**Hon Mr Wrye:** My friend the member for Algoma (Mr Wildman) made the comment, "What a tough question." I guess it is tough because the federal Minister of Transport has been requested to hold meetings with provinces, with municipalities and with community groups for over six months and has answered no to that question.

However, over on this side, we will do that kind of consultation. I can inform the honourable member that I am currently finalizing arrangements for meetings with the affected parties, which will include the mayor of Peterborough and the reeve of the county. I expect that meeting will take place on Thursday of next week and we have every expectation—

**The Speaker:** Thank you.

#### DARLINGTON NUCLEAR GENERATING STATION

**Mrs Grier:** My question is for the Minister of Health. Last February I asked the minister if she would conduct a base-line health study of the population surrounding the Darlington nuclear generating station. The minister undertook to look into the issue. Such a request has now been made by the Newcastle town council, the Whitby town council, the Scugog township council, Oshawa city council, Durham regional council and the Association of Municipalities of Ontario. Can the minister explain why no base-line health study has been conducted of the population surrounding the Darlington station?

**Hon Mrs Caplan:** In fact, I am not familiar with the specifics of the reason a study has or has not been conducted. I would be happy to look into it.



**Mrs Grieg:** That is precisely the answer the minister gave me on 27 February this year when I asked the question for the first time. In June I asked the former Minister of Energy, the member for Fort York (Mr Wong), and he said he would look into it. The fact remains that nothing has happened.

A base-line health study is a study that will provide data on the state of the health of the population before a nuclear generating station is opened. That means that if there are concerns in later years, there is a database with which the population can be compared. It is critical that such a study be done before the plant opens. There is now a brief interval of opportunity because the plant has not been licensed by the Atomic Energy Control Board.

Can the minister give me any commitment that she will move with some urgency on this issue and respond to the concerns of local residents, town councils and this party by making sure that some analysis of that population is done now before Darlington starts operating?

**Hon Mrs Caplan:** Let me share with the member for Etobicoke-Lakeshore that in fact a health status survey is being conducted in this province under the auspices of the Premier's Council on Health Strategy. We have already begun to initiate the planning for that health status survey. I believe it will provide the kind of information so that in fact we will be able to meet the needs of our future populations in this province and do the kind of measurement of health status which will prove invaluable in the gathering of information.

#### ONTARIO HUMAN RIGHTS COMMISSION

**Mrs Marland:** My question is to the Minister of Citizenship. I am sending over two documents. Yesterday the minister said that the standing committee on government agencies had more than enough information. One of the two items I have sent over is a signed statement by the former commission secretary, Lynn Dowling, and the other is a letter from the former commission director of compliance, Jim Stratton. The Lynn Dowling statement was given by Mr Stratton's legal counsel to the authors of the interministerial report, Mr Amin and Mr Gordon, prior to their writing their report.

Last week I asked Mr Amin and Mr Gordon about Lynn Dowling and they said, "We were not aware of Lynn Dowling." My question to the minister is, does he now agree that these former employees should be heard by the committee

since the government staff has failed to acknowledge that they even exist?

**Hon Mr Wong:** I thank the honourable member for providing me with this information. Unfortunately, I have not had a chance to digest it. What I do believe is that what the standing committee should be doing is making sure that it has sufficient information in order to determine what the situation was in the past and, as I indicated yesterday, I believe that another part of the mandate of the committee is to determine and make sure that the commission is operating on a strong and independent basis for the future.

I say to the honourable member that because she is a member of that standing committee, and it is the responsibility of that committee, I am sure that if she voiced her specific opinion to the chairperson of that committee, her opinion would be heard.

**Mrs Marland:** I have tried to use my position as a member of that committee, and the Liberal members vote down my motions. The minister cannot stand in this House today and say that it is up to the committee to get sufficient information. In fact, he said yesterday they had sufficient information.

**The Speaker:** The supplementary?

**Mrs Marland:** This morning I spoke to the solicitor who gave Lynn Dowling's statement to Mr Amin and Mr Gordon. The minister's judgement in this matter is critical to the future of the Ontario Human Rights Commission. He does not seem to understand what is at stake here. My question is, what is it that he is afraid of? Does he not want these allegations dealt with once and for all and to clean up the controversy by having the individuals named in those documents come to give their testimony to the committee?

**Hon Mr Scott:** Would you like to run the committee all by yourself, all alone? That would probably suit you.

**The Speaker:** I do not believe that question was addressed to the Attorney General. I think it was to the Minister of Citizenship.

**Hon Mr Wong:** In response to the honourable member, let me suggest again, I do not know what the substance is of the information that she has transferred over to me, but I believe it would be important for the committee members to have the information so they could make that judgement. I will undertake, if the honourable member has not already done so, to make sure that this information is handed over to the chairperson of that committee.

## PASSENGER RAIL SERVICES

**Mr Neumann:** My question is for the Minister of Transportation. In his answer to the member for Peterborough (Mr Adams), he made reference to meetings with community leaders on the Via Rail cutbacks. I assume that the mayor of Brantford and other local representatives will also be invited to attend such a meeting, as our community has lost 50 per cent of its trains, including the very popular early morning run which carries many local residents to work in Toronto and other communities.

Last week the federal standing committee on transport of the House of Commons, against the wishes of the Prime Minister and the minister, voted to hold public hearings on this very important matter of Via cuts. I would like to ask today whether the minister is prepared to attend before that federal committee and represent the interests of communities like Brantford and the interests of Ontario to that committee.

**Hon Mr Wrye:** It will not come as a surprise to the honourable member to know that in the past and in the present case it would be the view of the government of Ontario to involve itself really on a government-to-government basis, that is, as one minister to another.

But that being said, one of the reasons we are having the meeting with the affected mayors next week, and the member's mayor will of course be one of those who will be invited, is to develop a co-ordinated attack or response for the communities across Ontario, to these very severe cutbacks, to share with communities such as the member's and our colleague the member for Peterborough the information we have gathered about the impact of those cuts and to see how, working together, we can get the federal government to alleviate the impact of those cutbacks.

We expect that the meeting will only be the first of a series of discussions, and I can assure the honourable member that my staff will be monitoring very carefully the work of the committee as it travels, we expect, throughout Ontario looking at the impact of these very serious cutbacks.

**Mr Neumann:** That is welcome news. Besides the impact on communities, the cuts have a national implication, and I wonder whether the minister is prepared to contact Mr Bouchard and ask him to convene a meeting of all ministers of transportation to address this very important issue of national unity on transportation.

**Hon Mr Wrye:** In a letter that Mr Bouchard sent me, which accompanied the announcement, there was the suggestion of meetings in the future. I am preparing a reply which indicates very clearly that we are prepared to meet with the minister and indeed involve ourselves in a federal-provincial undertaking if there is some progress we can make together.

As the member may know, there has been some particular suggestion emanating from western Canada, from the provinces of Manitoba and Alberta, about having a meeting of provincial ministers. We indicated in a round of phone calls last week to our provincial counterparts that Ontario was prepared to play a role in any provincial initiative that would be taken.

We attempted to put a very firm position, one which I am sure has the support of all parties in this Legislature, to the minister when we had the meeting in Calgary. We are prepared to continue to reiterate the view that rail transportation in Ontario and across the country is an integral part of a balanced transportation that will take us into the 1990s.

## SOCIAL ASSISTANCE

**Mr Allen:** My question is to the Minister of Community and Social Services, whom I want to congratulate on his recent appointment, but it is time to put him to work in this House.

Those who so generously supported the recent Thanksgiving food bank drives, in Ontario and Toronto in particular, will be surprised to learn that their provincial government has given notice that it will be withdrawing support for the food banks in the near future. Several hundred thousand dollars will be disappearing with the end of the emergency support, shelter and assistance program which the past minister announced on 13 July.

Will the present minister please tell us whether he really intends to implement this perverse decision without any evidence whatsoever that the number of those patronizing food banks is or will be declining?

**Hon Mr Beer:** I look forward to working with the critics from the two opposition parties and other members as we try to wrestle through a number of very serious issues, of which this is one, which affect people who are on social assistance.

I want to make clear at the beginning in terms of the amount of money going into this program, which by the end of March would be something in the order of \$1.4 million, that many more



dollars are going to be directed into providing help to these people.

I think as the honourable member knows we do not directly fund the food banks. What we have tried to do with the changes that were brought in by my predecessor in the spring is to try to get at the roots of many of the problems which cause people to have to use the food banks. That is not going to happen overnight, and I do not think my predecessor or I would say that those changes, which have started this month, will by themselves alone produce that impact.

But when you do look at the amount of money we put into the social assistance reform plan—some \$415 million—we are convinced that will begin to provide more cash in the hands of people, whether in terms of helping them with their basic shelter or with their basic food and clothing needs, and that will begin to have an impact on the numbers who have to make use of food banks.

I can assure the honourable member that we will be continuing to work with those groups around the shelters and around those who have been using this program to ensure their needs are met.

**Mr Allen:** I heard no hard evidence of declining need or declining patronage, only speculation about possible transfers and the shiftings of dollars within the programs in other directions. Daily Bread Food Bank in Toronto tells us its patronage has gone up 35 per cent in the last year and it is still climbing. Only four per cent of the users of its services are able to work, so the relaxed employment rules will not help them. An average \$57 per month in shelter allowances in the way of increases is not going to top up the rent that much to make much difference for those people.

A mere inflation-level increase for those who are among the working poor in terms of minimum wages is not going to keep them from the doors of food banks. I suspect the minister is calculating on a lot of very speculative effects which are not in place at this point in time. I wonder whether it would not be wise for the minister to suspend the decision until he knows fully and clearly that the patronage of food banks is on the way down. The statistics will show it, and then there will be some justification in moving this program dollar around.

**Hon Mr Beer:** I want to reiterate that in making the decision to end this program, we are not ending the kind of support it was providing. What we are trying to do is make more stable what has been an emergency, year-to-year

approach. We are going to be looking very carefully at this as we move through to the end of March. It is our belief at this time that the programs we are putting in place will more than meet that particular need.

I think it is interesting to point out to honourable members that over the past three years there have been some seven major increases in benefits. When we work out the inflationary factor, we see that this has brought about a real increase in terms of benefits of some 10.7 per cent. When we then factor in the \$415-million change that came through with the social assistance reforms, it is some 11.5 per cent.

I recognize that when we get into talking about dollars and percentages, we still have to deal with the specific human dilemma that people face. But I think it is very clear that the commitment of this government has been to try to increase the benefits and to get to those who are in need so we can make a much more effective attack on the reasons why people need food banks.

#### APPRENTICESHIP TRAINING

**Mrs Cunningham:** I have a question for the minister of all education. It relates to the apprenticeship program and it concerns the number of women being trained in nontraditional occupations. The September 1989 issue of Skills Letter states that his ministry will increase the number of women being trained in nontraditional skilled occupations by 3,000 by the year 1992.

I want to tell the minister that women entering nontraditional occupations through his ministry's apprenticeship program actually decreased in relative terms during the past year. How can he expect to increase the number of women in nontraditional occupations by 1,000 per year when his ministry had trouble increasing the number last year by a mere 103?

**Hon Mr Conway:** I want to thank my colleague from London North for her question and for her interest. I do not know where I have heard that introductory phrase before, but I simply want to say to my friend that the government does recognize that we have a very significant challenge that we are very anxious to address.

Apprenticeship, like skills training generally, will be very important for this community and this economy as we face the 1990s. We are determined to overcome a number of the obstacles and barriers that have been in the community and in the society that have prevented women from proceeding along this course of educational endeavour.



While we recognize that we have not yet met all of the challenge, we are determined, as I said earlier and, as my colleague the Premier has indicated on previous occasions, very anxious in the coming years to improve the record. We have announced a number of goals which, with the help and support of this Legislature, we believe we can meet.

**Mrs Cunningham:** The ministry's newly launched community-based campaign to attract women in nontraditional skilled occupations is another fine example of his government's ready, fire, aim. It just does not have any pizzazz. It is the same old thing.

The minister has set a lofty goal of some 5,000 in nontraditional apprenticeship programs—only 103 last year; 1,000 next year? With declining percentages of female program participants and no mechanisms in place to effect change, how can his ministry justify calling its programs “effective springboards of opportunity”?

**Hon Mr Conway:** I am happy to leave pizzazz to my friend the member for London North. I will be more concerned with results, and I recognize that there is a significant challenge.

As minister, as she says, of all education, I am determined to ensure that throughout elementary and secondary education—for example, through our teaching and our curriculum and through our learning materials and our examples—we will provide role models for young girls and for women to understand the opportunities that are out there.

There is a great deal to be done, I appreciate, as my honourable friend does, but we have set goals. I am determined, with the support of this Legislature and quite frankly with the support of parents, labour, business, and others in the community, to change some of the past practice to improve the performance and reach those objectives.

1450

#### ACADEMIC CURRICULUM

**Mr Owen:** I too have a question for the Minister of Education. I would like to point out to the minister that his deputy minister several weeks ago was addressing a conference in eastern Ontario, and when he was doing that, he spelled out that the requirement of the ministry with regard to junior and senior kindergarten in a five-year time frame was going to lead to “an improvement in language and social skills, an improvement in discipline and an improvement in health practices of disadvantaged children.”

Now, all of us are for all of these things, but I would point out to the minister that we now have kindergarten and we also have day care in many of these communities. I would like to know how the ministry thinks these changes of combining junior and senior kindergarten are going to make such a difference over what we presently have, and why.

**Hon Mr Conway:** I think it is important for me to tell my honourable friend and the House that in the speech from the throne read by His Honour earlier this year, the government of Ontario, led by my friend our leader, the member for London Centre (Mr Peterson), made very clear that reforming the elementary and secondary educational curriculum was going to be a first-order priority and, as my friend will know, one of the very key elements of that educational reform is that we are going to be putting more emphasis on those early years.

Why? He will know that many groups, including the early primary education project that reported three or four years ago, one of the most consultative and constructive groups ever to advise on education, indicated that a greater investment in those early childhood years was enormously important. With these initiatives, we are going to improve access to junior and senior kindergarten because we know that improving the investment, improving the access there will pay very significant social, educational and economic dividends down the stream, later on.

**Mr Owen:** In the same address, Mr Shapiro indicated that there would be more time spent on reading, writing and arithmetic and less time on subjects such as gym or history, and that science was going to be offered as early as grades 1 or 2. He indicated in his speech that these changes will bring about a will to learn so that opportunities to learn will be embraced by students rather than tolerated or ignored as we sometimes see. I would like to know how it is perceived these particular changes will lead to this change in outlook and approach to education by the children of this age.

**Hon Mr Conway:** My friend will know, and certainly the research is very strong on this point, that we know young children at ages four and five can learn a great deal in an educational environment and that is why we are doing what we are doing with the emphasis particularly on the early childhood years.

Yes, there are, as my friend from Halton or London or others would want me to observe, many other very important aspects of the educational reforms undertaken by this govern-

ment in this most recent speech from the throne, but as my friend the member for Simcoe will know, we have indicated as well that we are going to be substantially reducing class sizes at grades 1 and 2 because we want to provide the best possible learning environment in those early years because of the good results we know it will provide in Simcoe and everywhere across Ontario.

#### CHAIRMAN OF ONTARIO SECURITIES COMMISSION

**Mr Hampton:** My question is for the Attorney General. Earlier this year, the Law Society of Upper Canada had a situation where professional misconduct complaints were recommended against a solicitor who has now been appointed by the government as chairman of the Ontario Securities Commission. The Attorney General has special authority under section 13 of the Law Society Act to inquire into this, to order the production of any documents and to basically conduct a full-scale inquiry as to the situation surrounding the recommendation of professional misconduct complaints and why those complaints were not proceeded with. Has he used his authority to make such an investigation? If so, what has he found? If he has not used his authority to make such an investigation, why has he not when this is such a—

**The Speaker:** That is three questions.

**Hon Mr Scott:** As the honourable member, being a member of the law society and having his own authority to act, properly knows, the discipline of members of the profession is in the hands of the discipline committee under its chairman and the chairman of the discipline committee made a decision in this particular case.

**Mr Hampton:** You have special authority and the Attorney General is in charge of public interest.

**Hon Mr Scott:** Perhaps he can just key down for a minute while I try to answer the question. The honourable member will be glad to know that one of the lay benchers of the law society appointed by the government, June Callwood, supported by other benchers, has taken steps with the law society to make the kinds of inquiries the honourable member would make himself. I am pleased she has done so and we will await events.

#### PETITIONS

##### TEACHERS' SUPERANNUATION

**Mr Breaugh:** I have a petition—

Interjections.

**The Speaker:** Order. I would like to remind all members that I have called for petitions and the members with petitions would like to be heard.

**Mr Breaugh:** I have a petition and I will just read it in part. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario negotiate with the Ontario Teachers' Federation towards an equitable settlement."

It is signed by some 86 teachers who live in and around the riding of Oshawa.

##### FRENCH-LANGUAGE SERVICES

**Mr MacDonald:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. The petition deals with the French Language Services Act and requests that the government refrain from further implementation.

It is signed by 41 people and I have affixed my signature.

##### TEACHERS' SUPERANNUATION

**Mr Furlong:** I have a petition addressed to the Lieutenant Governor and the Legislative Assembly of Ontario. It reads as follows:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has refused to allow an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a satisfactory dispute resolution process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario negotiate with the Ontario Teachers' Federation towards an equitable settlement."

I have affixed my name to this petition as required by the rules.

**The Speaker:** Petitions? Committee reports? If no one has a report, I have a report.

#### REPORT BY COMMITTEE

##### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

**The Speaker:** Yesterday there was an error in the report received and adopted by the House from the standing committee on administration of justice with respect to Bill 3, An Act to amend

certain statutes of Ontario consequent upon amendments to the Courts of Justice Act, 1984. The committee report indicated that the bill was being reported without amendment, whereas in fact the committee had ordered the bill to be reported as amended by the committee. I must therefore ask the House whether the bill shall be received and adopted by the House as amended by the standing committee on administration of justice.

Agreed to.

**The Speaker:** Therefore, yesterday, the House agreed to refer the bill to committee of the whole House, so shall the bill continue to go to committee of the whole House?

Agreed to.

1500

## INTRODUCTION OF BILLS

### INCOME TAX AMENDMENT ACT, 1989

Mr Mancini moved first reading of Bill 60, An Act to amend the Income Tax Act.

Motion agreed to.

### TORONTO BAPTIST SEMINARY AND BIBLE COLLEGE ACT, 1989

Mr Kanter moved first reading of Bill Pr29, An Act to amend the Toronto Baptist Seminary Act, 1982.

Motion agreed to.

### GRAND VALLEY RAILWAY CO INC ACT, 1989

Mr McClelland moved first reading of Bill Pr33, An Act respecting Grand Valley Railway Co Inc.

Motion agreed to.

## ORDERS OF THE DAY

### COMMITTEE MEMBERSHIP

Mr Ward moved resolution 20:

That the membership on the select and standing committees be as follows:

Select committee on education: Messrs Campbell, D. S. Cooke, Furlong, Jackson, R. F. Johnston, Keyes, Mahoney, Miclash, Mrs O'Neill, Ms Poole and Mr Villeneuve;

Standing committee on administration of justice: Messrs Chiarelli, Hampton, Kanter, Kormos, McClelland, McGuinty, Miss Nicholas, Messrs Polsinelli, Runciman, D. W. Smith and Sterling;

Standing committee on estimates: Messrs Charlton, Cleary, D. R. Cooke, Eves, Matrun-

dola, McCague, Miclash, Neumann, Philip, Miss Roberts and Mr Villeneuve;

Standing committee on finance and economic affairs: Mr Carrothers, Mrs Cunningham, Messrs Daigeler, Ferraro, Haggerty, Ms Hošek, Messrs Mackenzie, Mahoney, Morin-Strom, Reyecraft and Runciman;

Standing committee on general government: Ms Bryden, Messrs Charlton, Cureatz, Furlong, Mrs LeBourdais, Messrs McLean, J. B. Nixon, Ms Oddie Munro, Messrs Pelissero, Sola and Velshi;

Standing committee on government agencies: Messrs Breaugh, Farnan, Fulton, Kozyra, Lupusella, Mrs Marland, Messrs McLean, J. B. Nixon, Owen, Pope and South;

Standing committee on the Legislative Assembly: Messrs Breaugh, Brown, Campbell, Epp, Eakins, Farnan, Faubert, J. M. Johnson, Kerrio, Sterling and Mrs Sullivan;

Standing committee on the Ombudsman: Mr Bossy, Ms Bryden, Messrs Carrothers, D. R. Cooke, Cousens, Henderson, MacDonald, Philip, Pollock, Mrs E. J. Smith and Mr Velshi;

Standing committee on public accounts: Messrs Adams, Ballinger, Charlton, Cordiano, Cousens, Curling, Leone, Miss Martel, Mr Philip, Ms Poole and Mr Villeneuve;

Standing committee on regulations and private bills: Messrs Callahan, Bossy, Jackson, Kanter, MacDonald, Mackenzie, Morin-Strom, Pollock, M. C. Ray, Ruprecht and Tatham;

Standing committee on resources development: Messrs Dietsch, Fleet, Laughren, Lipsett, Mrs Marland, Messrs McGuigan, Miller, Pouliot, Riddell, Wildman and Wiseman;

Standing committee on social development: Mr Allen, Mrs Cunningham, Mr Elliot, Mrs Fawcett, Messrs Grandmaître, Henderson, Jackson, R. F. Johnston, Keyes, Mrs O'Neill and Mrs Stoner.

Motion agreed to.

### TORONTO TRANSIT COMMISSION DISPUTES SETTLEMENT ACT, 1989

Mr Phillips moved second reading of Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes.

**Hon Mr Phillips:** As members know, the purpose of the bill is to provide for settlement of the dispute that we see between the Toronto Transit Commission and its employees, as represented by the Amalgamated Transit Union, Local 113, the International Association of Machinists and Aerospace Workers, Lodge 235,



and the Canadian Union of Public Employees, Local 2.

The legislation refers all matters for a new collective agreement between the parties except for one to binding arbitration. An arbitrator will be appointed by an order in council soon after the bill is approved.

The bill provides for a wage increase of five per cent retroactive to the expiry dates of the respective collective agreements. However, this award may be increased by the arbitrator.

The one matter that will not be subject to arbitration is the issue of staffing, including the part-time issue. This issue will be investigated by an independent fact-finder appointed by the government. The fact-finder will inquire into this matter, gather evidence, hear submissions and make a report, together with any recommendations, to the minister. That report will also be available to the parties.

The fact-finder will decide on the procedures that will be followed in the conduct of the inquiry. He or she will, with the parties involved, have 30 days after the appointment to set out the issues involved in this dispute. If they cannot define the issues together, the fact-finder will have an additional 14 days at least to determine the issues.

The fact-finder is free to mediate a settlement on the issues under investigation. Should the parties agree on a settlement, the fact-finder's investigation will be terminated and no report will be required. If the fact-finder does issue a report, that report will not constitute a binding decision. It will still be up to the parties to bargain the part-time issue and to bargain in good faith.

Frankly, I am hopeful the fact-finder's report will provide the assistance both parties need to help solve the outstanding issue that has really been central to this entire dispute. This is an issue that should be resolved through mutual agreement by the parties concerned. It is not one that should be resolved by a solution that is imposed by an outside party.

The use of this fact-finder's report provides for really a fresh approach that involves only the principal parties. That is as it should be. The bill states that the fact-finder's report is to be submitted to the minister, the employer and the local by 30 June 1990. In the meantime, the bill does provide for the settlement of the current labour dispute and a resumption of normal services and it requires two-year agreements to follow the expiry of the most recent agreements.

Pursuant to the Labour Relations Act, no strike and no lockout is permitted for the duration of the collective agreements.

The TTC serves people from throughout Metropolitan Toronto and the surrounding regions. Close to one million passengers use the TTC each day. All of them have been greatly inconvenienced by the recent disruptions in transit service. Through the bill, the government is seeking to provide a means to end this dispute and its widespread adverse affect on the public. At the same time, importantly, the act respects the principles of the Labour Relations Act and the collective bargaining process.

**The Deputy Speaker:** Questions and comments on the minister's statement?

**Mr Cousens:** When did you decide to become involved in this dispute and when did the Premier (Mr Peterson) decide to become involved?

**The Deputy Speaker:** Through the Speaker. Anybody else? Any more comments? If not, the minister.

**Hon Mr Phillips:** At the request, actually, of the chairman of the Toronto Transit Commission, I met with both parties. Frankly, I have to admit that I was reluctant to step in, that I was reluctant to become involved in it. It was only because of a direct request from the chairperson of the TTC to meet and discuss the issue. I told him at that time that in our judgement, this was an issue that must be resolved between the two parties. So we only really became involved as a ministry in the dispute when we brought forward this bill. I did meet with the parties at the request of the TTC, however.

**The Deputy Speaker:** Do other members wish to participate in the debate?

**Mr Mackenzie:** There are a few things I want to say on this bill and a few things there are a few things I think should clearly be put on the record. The real issue in this dispute was part-timers and whether or not our society is moving—there is certainly ample evidence, when you look at the jobs created, or the jobs that exist, over the last year or two that we are seeing more and more part-time work in society.

If you take a look at the cost of living today in a city like Toronto or even in my own city of Hamilton or many of the cities in the Golden Horseshoe area, part-timers cannot make it. If there are two in a family, maybe, but part-time work will not pay your rent or buy the food that is needed or the education for your kids today. It is a dangerous slope to go down. It is also a direction that the TTC has been promoting for

some time. I think their decision was that this was the contract and this was the year to get it.

A couple of things in the news release that came out on 5 October from the minister disturbed me a little bit. Halfway through his release, he says:

"On the part-time issue, the bill will provide for a fact-finder to investigate and report. Mr Phillips said the appointment of a fact-finder is necessary for two reasons. "First, it is vital that a lasting solution to an issue as complex as the part-time employment issue be found. Lasting solutions to complicated collective bargaining problems are solutions that the parties themselves must negotiate. They are not solutions that can be imposed.'" I think I agree with him on that.

"Second, labour and management are obliged to solve their own problems. While I am prepared to prevent further public inconvenience, I do not wish to reinforce the belief that labour and management can bargain to a stalemate on issues like this one and then leave it to the government to provide the solution. This bill will get the parties back to work and give them the tools to solve the one remaining issue."

#### 1510

I was interested, and noticed that he said—I think I heard him say in response to one of my colleague's questions a moment ago—that the commission initiated the first meeting and wanted this issue resolved, wanted the government involvement. Sure they did. That is very clear in this particular case. Members of the House, I am sure, by now are aware that, depending on which side you talk to, the argument ranges that probably 80 to 85 per cent of the issues were resolved, and there did not seem to be that much of a problem in resolving the remaining issues in terms of the collective agreement.

The issue was very clearly the part-time issue, and it is an issue that should bother all of us, given what is happening in our society today. I think it is one of the prices we are going to pay, increasingly, for the whole free trade arrangement. But that is another argument we will have as this session continues, I am sure.

What was going on in terms of the part-time issue? I submit to you that the commission wanted the government involvement in this particular case, because it had forced the issue on part-timers and was not prepared to look at the proposals that were put there by the union; that this issue, as I said yesterday, could have been settled four or five weeks ago, clearly, if free

collective bargaining was really the norm, but as long as the commission felt that maybe it could entice the government in on this particular issue then it was going to hold out, even though as good a deal or a better deal may have been on the table in terms of the part-timers.

For the record, I think it would be a mistake if we did not have on record the arguments made by the local union in the course of the negotiations and the proposals it actually made and tried to negotiate with the commission. First, I would like to quote a letter that went out to the members of the local and to members of Parliament—I am sure a number of the members got it—which came from Ray Hutchinson, the president of Local 113, Amalgamated Transit Union, and it reads as follows:

"Our union is well aware that there has been much information bandied about, both publicly and privately, on what the issue of 'part-timers' is all about. Our concern is that there is all kinds of information, and particularly misinformation, being circulated, both in the media and probably at Metro council, as well as at the provincial level.

"The issue without question is the provision of quality (TTC) transit service to the residents of Metro Toronto.

"Mr Leach supposedly says it's a question of providing TTC service; though we have some reservations concerning his public posture because we think the TTC management's real agenda is cost containment as opposed to providing service. Be that as it may, ATU Local 113, also believes the issue is one of providing quality transit service to the residents of Metro Toronto.

"The problem is that our version of providing quality transit service is entirely different than the TTC version of provision of service. What we would like to do is summarize our position and explain, in some clear and precise manner, what the union has proposed in the current set of negotiations which is set out in the current document, *The Real Issues in the Current Transit Dispute*."

That is the covering letter. But I think we would be remiss in this House if we did not understand the kind of pressures that are exerted when a major management group thinks that this is the time to cut some of the power of its organized workers. This is not the first time this issue has arisen in negotiations; it has arisen over a number of sets of negotiations with the transit workers in Toronto.



They have been able to hold off, but there are a lot of changes and fear in our society today. We are certainly seeing a growth in part-timers. We are certainly being bombarded with what we have to do to cut back. We are unfortunately seeing that in some of the health services. If it is not a cutback, it is certainly not keeping up the number of legitimate beds. We are seeing it in some of the part-time work that is going into the service sector. We are seeing it right across our society today, and we are not doing anything in terms of protecting those better-paying jobs we have.

So why should a major and proud union like 113 decide that this is the time it is going to let the commission bluff it, let the commission knock down some of the benefits and rights it has gained, let the commission move on the slippery slope down of part-timers, which is exactly what it was trying to do? They knew this was going to be a key issue, but they knew also that they had to deal with it, they knew also that there were some criticisms and they went into the sessions with a number of proposals; three, actually.

Let me go over them, because I think it is worth putting on the record why I said yesterday that this issue, if you had good-faith bargaining on the part of the commission, would have been resolved four weeks ago, and we would not once again have been into compulsory back-to-work legislation. As I said yesterday, and I will admit, this is once when it is benefiting the workers. But let me tell you, the vast majority of times compulsory arbitration is used to hurt organized workers. It is not a good approach and it is one I hope I never see myself supporting in any principled way.

The information from the transit union—and a lot of people are aware of this, but not the general public and I suspect not most members of this House: “During the negotiations, and subsequently since our job action has been initiated, there is a public perception that the union’s position is simply ‘no part-timers.’”

Incidentally, just for the record, I want to correct a statement I had made yesterday referring to the strike. You get used to that kind of situation. It was never a strike, it was job action, and probably we would have seen the management team locking them out before we would have seen a formal strike in this situation, because it was not in the interests of the workers. That is just to correct the record, that there was never an actual strike involved.

To continue with Mr Hutchinson’s letter:

“The reality is that the union recognizes that there is a problem of scheduling TTC vehicles during peak (am and pm) time slots in the transit system. To address the problem of scheduling and the cancellation of scheduled routes, Local 113 was willing to agree to major concessions that would give the TTC maximum flexibility to address this problem of scheduling and cancellation of regular scheduled routes.

“What the union was willing to agree to was reform of the rules governing the administration of the ‘spare board scheduling concept’ or, in technical terms, ‘rotating slip format,’ and the terms of that proposal were as follows:

“(1) No fixed report time will allow maximum flexibility within spread restrictions; (2) all known crews can be predetailed; (3) maximized productivity of signed slip persons; (4) reduction of ‘guaranteed costs’ to a minimum; (5) increased availability of day volunteers for rush-hour unmanned runs; (6) reduction in ‘overtime costs’; (7) minimum cancellations.”

I am not going to try to explain in detail all of these steps. I understand them basically, but they are the headlines or highlights of the steps the union put forward in a long and hard attempt to reach a negotiated settlement in this particular slowdown and potential lockout or strike situation.

“This spare board proposal or rotating slip format will allow TTC management complete flexibility in detailing all open work, which would result in the following:

“(1) The TTC management would have greater latitude and substantive rights to assign work; (2) the TTC management would have greater flexibility to schedule any and all work during a 12 1/2-hour shift, which would ensure that all scheduled runs are covered; (3) the TTC would have far less liability in terms of paying overtime on all open full shifts; (4) the union’s proposal would result in annual savings to the TTC of between \$3 million and \$4 million, which is a very significant financial saving.”

“Secondly, the union tabled a second proposal called ‘eight-hour combine worker proposal,’ which in essence would: (1) eliminate unproductive time; (2) provide more flexible scheduling of (am and pm) shifts at straight time.”

“And lastly, the union tabled a very innovative proposal, ‘utilization of maintenance workers as vehicle operators,’ which in practical terms would allow maintenance workers to be utilized as vehicle operators during peak periods. These maintenance personnel are now fully qualified to run and operate system vehicles, so this approach



would allow the TTC another flexible scheduling option."

I hope the members are paying attention, because there were some very definite proposals that were laid out on the table here, and the current investigation in effect was always part of a possible solution.

"These three proposals, together with the union's agreement that they would work with TTC management in ensuring that these proposals came into operational fruition, would provide the TTC with the necessary solutions to come to grips with the scheduling problems" in Metro Toronto.

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"In summary, the union's concession and offer of innovative proposals would go a long way to addressing the problem of cancelling prearranged routes.

"The union is totally convinced that if the TTC hired an additional 40 full-time drivers, plus the proposals agreed to by the union, that the TTC could address the whole problem of 660 route cancellations as well as the problem of staffing shifts during the peak am (morning) and pm (afternoon) periods.

"Why the addition of 40 full-time operators? According to the TTC report, *Back to Basics—A TTC Strategy for the 1990s*, the TTC ridership is up 96,100,000 riders from the period 1980-88. This is a percentage increase of 24.7 per cent. In addition, TTC mileage is up 19,628,000 miles, an increase of 19 per cent. There has also been an increased demand in the utilization of the fleet for the same period, 1980-88, which has required the addition of 364 new vehicles or an increased growth in the system fleet of 15 per cent.

"What brings this whole period into perspective is the glaring staff shortage, which should have dovetailed the TTC's service growth. But what the system experienced instead was the hiring of only 229 new operators between 1982-89 or a 5.5 per cent increase in the workforce complement. I go back: riders 24.7 per cent; mileage 19 per cent; new vehicles 15 per cent; a staff increase in that same period of 5.5 per cent." And really they wanted to do away with—if not do away with that, see that the future emphasis was on part-timers.

"What has also exacerbated the current staffing problem is that since 1982 the TTC has experienced tremendous growth by adding two new divisions, (1) Arrow Road and (2) Malvern, which required in total 716 new operators. But in the same period the TTC has downsized eight established divisions through downsizing the

staff complement by 487 full-time operators. So in the final analysis, staff complement for the years 1982-89 has only increased by 229 operators or 5.5 per cent.

"In summary, over the last seven years: (1) ridership has increased by 24.7 per cent; (2) mileage has increased due to new routes and route extensions by 19 per cent; (3) the number of additional system vehicles (new) has increased by 15 per cent; but the staff complement of operators has increased by only 5.5 per cent and clearly indicates that the system is understaffed and that the union's position of hiring 40 additional full-time people is totally justified.

"The union has done an analysis of one division, namely, the Danforth Road transportation division, and looked at the hypothetical use of 28 full-time operators versus 28 part-time operators (18 part-timers in the am and 10 part-timers in the pm). The union has concluded that the cost or savings to the TTC in hiring part-timers would amount to \$389 per day for the Danforth Road transportation division or \$101,233 a year.

"If one extrapolates this cost saving and applies it across the whole system, encompassing 11 traffic divisions, the annual savings to the TTC would be in the vicinity of \$1 million per year. This is a far cry from the supposed inflation figures being bandied about by TTC management (see attached analysis)."

There are attached analyses accompanying all of these pages and I am sure the minister or his staff must have looked at it. I know he had a very good negotiator-arbitrator in the person of Vic Pathe doing his darnedest to reach an agreement in this particular situation. I wish the heck we had the right in this House to put some of the people who are involved in these kinds of talks on the stand—which, of course, we cannot—to ask a few questions about where the intransigence was in terms of the issue we were dealing with.

"As a matter of fact," to continue, "the union's agreement to the spare board proposal would save the TTC substantially more money than the hiring of part-time operators, ie, \$3.5 million versus approximately \$1 million.

"The union has made major concessions and put forward alternative proposals"—three of them, if you will recall, that I mentioned, but dealing in detail with the one—"to address the scheduling problems which are currently plaguing the TTC.

"One final key point is that the TTC commission and especially TTC management never intended to bargain in good faith, and the current

negotiations subsequently proved this point—and in the final analysis, TTC management were not interested in a negotiated settlement because in reality the TTC wants the Ontario government to impose a political settlement on Local 113 giving the TTC the right to hire part-timers. Thus the rationale for the lockout and complete shutdown of the system on 8 October 1989.

"We feel confident that all the union's suggestions and proposals would eliminate the problem of cancellations and in the process strengthen the present transit system by ensuring that residents of Metro Toronto have a world-class transit system."

I took the trouble to read that into the record because I thought it was important, and because before the situation developed to the point where we were facing some kind of union action to enforce its demands, the union people met with us and told us that they understood that the arguments that would be made would be having to keep workers on hand for split runs and all the rest of it, that the arguments would be made that there was a waste in the system. They thought the figures—and I think the figures do shoot that right out the window—in terms of the increase in mileage, vehicles and passengers as against the increase in staff—but they understood that this would be the kind of an argument that would be made by the commission.

They also pointed out—as I knew and some of my colleagues did, as well, from sitting down with them prior to the last couple of labour disputes and contract negotiations—that the TTC had made a major effort in the past two sets of negotiations to be given the right, almost unlimited—they finally backed off this time around to say: "Well, we limit it to 400"—or whatever the number is—"part-timers." But they wanted the right to move to the part-time route. Once you allow a major company to move in the part-time direction, you are undermining and threatening the security and wages of all of your full-time workers in that unit, or of a good number of them, because it will not stop once it has established the principle.

That is why you saw such an overwhelming support, probably more for this labour dispute than any they have had previously: The workers understood it was D-Day for them; that this time, given the general atmosphere in our society and the bit of fear that is there in terms of some of the economic future, that the TTC better run with it. They threatened, they ran with it and backed off the part-time issue in the last couple of sets of

negotiations, but this time was the time that they got it.

We had no idea, and the workers in Local 113 and in the other two locals that are involved, had no idea of how far it would go once the principle was established. The workers clearly said: "No way. We've got to stand up." I hope more and more workers in more and more plants across this province take the same kind of position: "We're going to have to fight like hell to protect what we've got. We'd better do it, and we'd also better take a look at what's bothering people or some of the weaknesses in the system and come up with alternatives."

I have never found a responsible trade union unwilling to take a look at ideas if they are good ones. Maybe there are some arguments against some of the proposals that I have outlined here, but they are in detail. They have put the sheets with them and the backup sheets and the figures and the costs, and they thought they would work, and they really were not demolished—that is one of the reasons I would like to have the arbitrator here, to see just what all went on in the negotiations—but I am told that they were in no way demolished by the commission. The commission simply wanted to establish that this was the time: "We're going to take these guys on and we're going to win the right to run the system the way we want to run it."

### 1530

I hope we will never have a government that says, "Hey, that's a good way to go." We have now in effect compulsory arbitration, which I do not like. The reason that it is probably a little easier to take this time, as I said at the beginning, is that about 80 per cent of issues were resolved. The usual process, unless we are going to get euchred some other way, is that when you go to compulsory arbitration, they accept what has been resolved by the two parties; any decisions they make are on those few items that are not resolved.

We sent out for a study, which I understand will take nine months, which in effect really is two years because it does not have to be implemented when it comes back, but which will take a look at the arguments that have been made and the necessity of or lack thereof of part-time workers. I would hope and I would expect—I cannot see any responsible investigator doing otherwise than taking a close look at the arguments that were made by the union, taking a look at the arguments that were made by management, but I think they are going to be



found wanting, and making some recommendations which then are not going to be compulsory.

That is why I say once again that this time the workers have benefited from a piece of legislation that I personally do find abhorrent. But then the two parties are going to have to sit down with one additional bit of information, and that is the study that has been done in some detail as to whether or not the alternatives suggested are answers and whether or not the route we should be going in society today is to push for more and more part-timers with all of the problems that really does bring us in our society.

I think that if there was a clear understanding—I have some information already that the commission is not very happy with this proposal—if it had been made very, very clear that we were not going to order them back, they are going to have to resolve it, we may have had discomfort, and none of us like it for the residents that have problems in getting to work with the system, but we would not have had the government step in.

The only thing that saved this doggone thing is that they have not. This time, and to this extent I commend this government, they have not bowed to—maybe it will be a Tory amendment or something, I do not know, I hope not, that we should have also instructed that we are going to bring in a compulsory report in terms of the part-timers.

The fact that it is open, that it is not compulsory even after the investigation is done, I think means that two years from now you are going to have a very good talk in terms of the collective bargaining with a lot more information available to all of the parties and with one party not being able to hide behind a decision that we want to be able to run the show our way, which is exactly what was at stake in this particular dispute.

I would hope that this may signal a firming up of the position of workers right across this province in terms of the trend to part-time employees and also in terms of the trend to takebacks, which I think I mentioned a few months ago. One of the things that is disturbing me in talking to my union colleagues, even though it is an effort to break out of some of the percentage guidelines in terms of actual wages that they have had imposed on them over the last two or three years, is that there are other subtle and sometimes not too subtle ways that most managements are presenting, something they never used to do, a list of takebacks they want at the beginning of almost every set of negotiations.

I guess the principle is, “Well, if we do this, whether we win it or not, at least we are going to knock down any demands you have got and we are going to in this way undermine or reduce the effective bargaining strength of the workers’ representatives.”

I would remind all members, as I have done a good many times, that I would suggest they do take a look at the preamble to the Labour Relations Act in the province of Ontario where it states clearly, if it is meant, that it is in the interest of the province of Ontario that workers have the right to free collective bargaining. I think that is an important principle. It is one that is under fire now. I do not think you can talk to a negotiator or a union rep in the province of Ontario who will not tell you that that principle is under fire with the takebacks and the kind of approach that management is using.

In effect, that is exactly what we had here from the TTC, and this issue should not have required this kind of legislation. Our party will not be carrying out the kind of a fight we have done many times in the past over back-to-work legislation. I still will not support it. I have never voted for it in my life and I doubt that I will, but I think we have to understand what this particular dispute was all about and the fact that those TTC workers, God bless them, decided that they were not going to be put down by the commission this time around and they were not going to back off. They were not going to be required to undermine whatever security they had been able to build up in the jobs they have had through, I think, positive union action.

I think it is important that that information be clearly put on the record, Mr Speaker, and I thank you for the opportunity.

**The Deputy Speaker:** Any questions and comments on the member’s statement? If not, do other members wish to participate? The member for Markham.

**Mr Cousins:** It is a serious bill and it has caused a serious inconvenience and problems to the greater Toronto area for an extended period of time. The government has brought forward a bill which we will be supporting and which we will have amendments to.

But I have a number of questions and issues surrounding the process and I challenge the Minister of Labour (Mr Phillips) to reconsider and rethink some of the comments he has already made this afternoon in response to the first question and the only questions that I asked him when he made his introductory remarks. I will be



coming to that and I trust the minister will comment on it in his wrapup statement.

I am not thrilled and not pleased, and neither are the people of Toronto, with what has gone on. It has been not just a minor inconvenience. In fact, when I looked at the press clippings of the minister, it would appear as if it is just a passing incident in a big city, as if just another little rattling of chain or something. It is far more than that.

I happen to believe that unless this government and unless this province begins to work in a concerted way with the TTC, GO Transit and all the commuter services and integrated commuter service around the greater Toronto area, what we saw in the last five weeks is a prelude to what is going to go on in the province of Ontario in the mid-1990s and beyond, because we have to come up with a long-term answer to commuter services so that people will use commuter services.

The fact of the matter is that the inconvenience that was caused, the tremendous impact on the economy to the greater Toronto area because of the transportation crisis we had, the tremendous inconvenience to homes and households during that period of time, we look at all these factors and bring them together and what do we have? We have a sign of trouble. It portends of what the future could look like in the greater Toronto area unless this government takes seriously its responsibility of providing for long-term commuter services.

The fact of the matter is the fact that this was allowed to drag out as long as it was seemed as if it was part of a political agenda of the Ontario Liberal Party to just let it drag out and wait until the day came when we came back to this House on 10 October, so therefore let it twiddle around and play with it until, finally, it just came up to that weekend, late last week, when some action was taken.

I go back to a statement made by the Premier when on 6 September he said this: "It is not the government's responsibility to get involved. We are not planning on interfering. They are both over 21. They are both mature groups." The Premier said that on 6 September.

The Minister of Labour was making the same kinds of utterings during the strike when he was saying: "No, we are not going to get involved. We are just going to stay clear of it." I wonder when it all happened, when the Premier said on 6 September: "It is not the government's responsibility to get involved. We are not planning on interfering. They are both over 21. They are both mature groups."

When I asked the minister just a few moments ago when he had his first meeting with the people involved, he did not answer the question. He said, "Well, it was management that was giving me a call and therefore I began to get involved." I challenge the honourable minister on who called whom. I happen to believe that there is far more involved with the minister's involvement in this whole situation than he is willing to let on.

He is pretending to this House that he was dragged into it. I have to say he chose to get involved and when he said in the House here just a few moments ago that it was just a matter of someone calling, I know Alan Tonks gave him a call. I know there has been some involvement but I would hope that right from the very beginning the minister was involved.

I think there is something urgently important to the services of our whole community, that transportation is not something that the minister and the Premier are going to take lightly. That is really what he is trying to tell us. He is trying to tell us, as the honourable Minister of Labour, that it is just something that will be looked after.

I would like to have the minister come clean and lay out on the table of this House in the forum that we have for debate or when we get into committee when he had meetings with both sides.

Interjection.

1540

**Mr Cousens:** If the honourable member wants to get up and speak, we would be glad to listen to him. If he is just going to sit in his chair and carp away and have nothing to do with what is going on in the place, I would ask the honourable Speaker to do what he should do when there is this kind of outburst from unruly mobsters sitting in the back seat in the Liberal Party, move from one side to the other. But if they are going to start making comments, then I would be more than pleased to sit down and allow them to add what they have to say. I would be most interested in listening to them.

Interjections.

**The Deputy Speaker:** Order, please.

**Mr Cousens:** I would like to ask the honourable Minister of Labour just who called whom to the meeting. It was as if, when I asked him when he had his first meeting, they called him. Who called whom? He is the one who called both sides to a meeting last Thursday. Where did that meeting take place? It was in his office. Why is he acting in the way that he is when the Premier

said there was no room for government involvement?

I have to say it is an issue that has to do with the credibility of the government, when on the one hand you have a strike that is in progress, and then during the early part of September, I was saying: "Let's get something going. Let's have some action taken. Is there no way in which the government can become involved?" and what you were seeing then and hearing now is sort of, "Oh, it will solve itself."

I know of a chap by the name of Bourassa who tried to handle the nurses that way and the nurses came back to haunt him in the middle of the election. The only sad part to that story is that he still won a massive majority, but the fact is he allowed the whole problem with the nurses, their salaries and their compensation problems to fester over a long period of time because he did not know how to deal with it. He did not know how to grapple with it and come up with a solution to it.

What we are seeing with this government today, with this bill, is another example of another Liberal government doing the same kind of thing that Bourassa was so good at or bad at, depending on which side you are looking. I think it was a horror show the way Mr Bourassa handled the nurses and the medical help in the province of Quebec, and I think it is going to be an equally bad horror show when you see what this government is doing with its transit services, with the unions, with everybody who is involved.

The losers to this kind of horror show are everybody. It is the union that loses, it is the management of the TTC that loses, and never let us forget it is the commuters who lose. They are the ones who end up taking their lives in their hands when they are standing on those small little sections to get a streetcar, the traffic is whizzing by and there are almost too many people standing there. You have long lineups waiting to go to work. There they are in the rain. How many times did we see that during the last few weeks? Probably the honourable members of the Liberal Party were so busy hiding in their bunkers during the strike that they did not have any understanding of how serious it was in the greater Toronto area.

People were extremely exasperated by the problems we had during that strike. It was not just a slowdown; it was a deliberate strike and it had an impact on our community. Just to come along and say, "Oh, it is going to solve itself," that is the problem the Liberals are facing here in

Ontario. They are doing the same thing Bourassa did, rather than deal with it honestly, cleanly, openly.

We have situations where I know there is a certain innuendo coming from the minister, "Oh, they forced me to get involved." Get off that. Then there is this almost sanctimonious spirit that I am sensing in regard to the legislation, that the government has all the answers. I do not think they have the answers, and we will bring forward amendments to this bill that hopefully will address some of the concerns we have.

The fact of the matter is that this bill, as we have it before the House today, is so open-ended that one cannot have a sense of confidence that we are not going to have a strike in the not-too-distant future. "Aha," you are going to say, "not-too-distant future." What can happen is you do not call it a strike, you call it a slowdown. If after 30 June 1990 things just are not resolved, the union is unhappy, they do not see a resolution forthcoming, then what do they do? You are faced with a possible year of bitterness and unhappiness by the union. Who are the losers? I think the union members are the losers and so is the TTC, but I reiterate, so are the people who use the services that are so essential to the movement of people, the movement of services, the movement of a great city such as we have in the greater Toronto area.

So what do we do? We are looking at a piece of legislation which to me has very serious holes in it. It is a matter of looking at those holes and seeing how we can plug them and how we, as responsible members of the Legislature are able to sort of bring forward some kind of resolution that is not going to cause this to just reopen itself the same way the issue of the nurses did in Quebec during Mr Bourassa's re-election campaign.

I have to believe that by virtue of the way this legislation has been crafted, or the lack of crafting that went into it, you are seeing no real hook at the end of the time when there has been a fact-finder that has looked at all the issues that are going to cause any decision to be made and that in fact, when all these data come back, then the whole process can start over again. That is part of the reason I am very upset by the minister's failure to deal with all the issues on this.

What we are talking about is where we have got an independent, third-party fact-finder. The terms of reference include both management and union proposals to resolve the full service issue. I think that can happen, but the fact-finder, by our amendment, would have full access to all data



pertaining to the issue and such data would be provided to both parties for verification. I think that is implicit in what is really in the bill that we are considering today.

The fact-finder would investigate and release his report in a given period of time. He would have to bring it forward and have it tabled by 30 June 1990. As it stands, I do not know whether the minister realizes, but under section 5, it gives the minister opportunity to extend the time limit of this whole process on into the future. The one time limit that is secure is the fact that the members of the TTC will not be able to strike until 30 June 1991. Am I right on that date?

The NDP members are obviously very pleased at that one, and I think that there is a sense that things can be at peace, but when the minister says they are not allowed to strike, does he really say at that point they are not allowed to have a slowdown during that period of time? Is he saying that there is no possibility of a slowdown should there be other issues that come to the fore or should the issues that are being referred to the fact-finder in fact not be dealt with to their satisfaction, and therefore in order to deal with it, they are going to express their unhappiness by having another slowdown, which is not a strike, but being a slowdown is outside the terms of reference of this bill and the people of Metro Toronto and the greater Toronto area will then be suffering the same kinds of problems that we went through for the last five weeks?

I would ask the honourable minister, is his legislation going to prevent a slowdown such as the one we had? I do not see how it can; I really do not see how it can. If the minister is going to start defining, I will look forward to seeing the definition he has that can prevent some kind of slowdown, which otherwise I think is going to be a possibility and a fairly large possibility if the concerns that are being sent out to the fact-finder are not resolved.

The time frame is so open-ended that the minister has within his bill—under section 5, “Scope of investigation,” it says that the fact-finder shall have “such longer period as the Minister of Labour may permit,” and “shall decide the issues to be investigated.” So there is an openness within the legislation that means even the dates that I would like to see crisp and clear so that we know how things are going to go in the future—there is going to be that chance for the minister to allow it to just go on and on and on, probably to time it just after the next provincial election. Who knows?

What I am looking for is something that can be clear and straightforward and allows both parties to understand what is expected of them. The fact-finder, once he has gathered all his information, puts it together and then tables it for them. He would have to have that in a given period of time, and I am going to suggest in my amendments that it would be by 30 June 1990. That is the definite cutoff date that we would have. Then you would know that the fact-finder is working towards a deadline. We all have deadlines in our work, and he would have one as well and both parties could then look forward to the next stage following that.

Following the fact-finder's tabled report, parties would be given 90 days to negotiate the fact-finder's recommendations. Then we come to 30 September. During that period of time there could be the kinds of negotiations that take place when both sides are sitting down and they have got all the facts on the table. They will have had enough time away from the issue that we have been in the middle of now and hopefully the emotions will have subsided and we will be into the possibility of a negotiated settlement.

#### 1550

There is no better resolution to a labour dispute than a negotiated settlement. On that point, I agree with the member for Hamilton East (Mr Mackenzie). I would hope that all members of this House understand the importance of a negotiated settlement. It is important for both sides to have that long-term trusting, working relationship. When a settlement is forced on a side, then one is seen as a winner or one as a loser, or both sides go away feeling they have lost important battle lines because of the way in which the arbitration had been brought about.

Therefore, inasmuch as this has dragged on as long as it has and inasmuch as the people of the greater Toronto area have gone through a five-week slowdown which in my books is as close to a strike as you are ever going to get without calling it that—and I do not want to see another kind of slowdown like that because we do not need it; we do not want it—let's have a government that is prepared to bring forward a bill that is going to prevent that from happening.

I am saying that the fact-finder would complete his report by 30 June, and then there would be 90 days for both sides to try to work out that negotiated settlement. Three cheers for both sides to try and another super cheer, or whatever you call that, if they are able to succeed and we all go away and feel we have done something. But that is the first stage. You have had the



fact-finder's report. You have had a chance for deliberation. What happens at that point?

As it stands now with the government legislation, you are going to be faced with a year of possible heartache and disruption and loss of economy. When I look at the dollars that were lost in Toronto, the TTC itself lost \$160,000 a day. How much did commerce lose, and everyone else? Those are concerns that have long-term implications to the people in the province of Ontario.

At that point, if no agreement has been arrived at by 30 September, after a 90-day period, then and only then would the issue be sent to binding arbitration for resolution within a further 60 days. In that way, you have allowed key time zones to be followed through, and then the people of the greater Toronto area are not going to be inconvenienced or face the kind of turmoil and problems we have had. I think the government likes to play it down. Maybe they are so busy driving in their limos and their big cars that they do not understand what public transit is all about.

The people of the greater Toronto area are not happy with what they have gone through for the last month. They are not happy with the way it dragged out so long. I am not happy because I happen to believe the government's agenda was to just drag it along, so long, until the House reconvened on 10 October, and then it could bring forward its bill by announcing it the week before and not call the House back to special session, as we could have been done earlier, or not to have personal involvement with it.

I have real trouble with the minister when he is saying on the one hand, "Oh, they called me to get involved," when in fact the Premier said: "It is not the government's responsibility to get involved. We are not planning on interfering. They are both over 21. They are both mature groups."

That may all be true, but the government has a responsibility to become involved. Maybe we are seeing the problem of government involvement in many other subjects. When Chuck Magwood, the head of SkyDome, was present in the standing committee on public accounts to talk about the SkyDome and its activities, one thing came out in response to a question that I asked him about transportation and about the failure to build some kind of infrastructure around the SkyDome and the fact that we have had enough people using public transit. It has not been as bad as many people thought it would be. I was asking him how he perceived the whole transportation

strategy being controlled around the heart of downtown Toronto. He said it was a mess; there was just no one in charge, no one seems to know what he is doing. I have to say, the same is true with the government on so many of the issues that it should be touching and should be involved with; they just say, "Oh well, someone else will look after it"—and I see that someone else looking after it.

Is this government willing to step up and say, "Hey, we're going to be accountable and responsible for making sure that the transportation services in the greater Toronto area are not going to be disrupted again over this issue for the foreseeable future"? They cannot say that. They cannot say that because it is not possible to say it by virtue of the bill we are considering today. The bill leaves it so open-ended that what will happen now is that the fact-finder, whose report does not have to be in at any particular time—and who reports through the Minister of Labour anyway—will be able to just sort of stall along and stall along, take more time, gather more thoughts, maybe take a trip to check out another area to see what they should be doing and then talk some more and meet some more, and then in his own fullness of time come forward with his recommendations. I am saying not to do it that way.

The Minister of Labour has a chance to rethink and reconsider his bill. All these honourable Liberals, ex-cabinet ministers—I look at my good friends who are now sitting on the front bench—are capable of giving this man advice. They are the senior statesmen of this House, and I would hope that they will give him wise counsel and suggest that there are times when they do not have all the answers and this is one of them.

This is one of those times when the government should have time periods within the bill, and those time periods will give the fact-finder ample opportunity to complete his study and his evaluation. Then we have another 90-day period to give both parties ample opportunity to try to come up with a resolution to the outstanding difference and then, failing that, a 60-day time period for binding arbitration.

We are talking about how this government does things just almost by accident. All the major issues have been agreed to in principle. The issue of split shifts on the weekends has been handled. The issue of extra holidays for summer months for workers has been handled. The wage increase, which was never really a factor in this negotiation, has also been agreed in principle.

The government is able to show great leadership, just magnificent leadership, by referring all these soft, dealt-with issues to an arbitrator for resolution. I mean, is that not showing great strength? Then the one issue that is really the nut you have to crack, the one outstanding, remaining issue, which is the whole problem of part-time overtime, or however you want to do it, they have left it so open-ended that it could drag on and on and on.

I have to believe that the Minister of Labour has not had a chance to think about his. He is so new in his job he has not had a chance to come along and just consider that he might be in the job long enough to be seeing these same people again, and instead of saying that would involve him, he will be calling him into the office again and saying, "Hey guys, sorry we have to do it." Why not do it now? Why have to spread out the agony for yourself and everybody else? The honourable Minister of Labour is in a fine position to make it all a signed, sealed and deliverable package.

**Mr Mackenzie:** That is what the transit commission wanted. That is the side you are on, is it not?

**Mr Cousens:** I am on the side of the people. The honourable member for Hamilton East, when he tries to come along with who is going to benefit from this the most, I think will see that at this time the most important person is the man, woman or young person who needs to rely on the TTC for commuter services. It is in their best interests that I want to see that there is a longevity to the agreement and that it is not just going to be something we are going to have to come back in this House for in the not-too-distant future.

There is a considerable amount to be dealt with in this bill. It is highly unlikely that I am going to be successful in convincing the honourable Minister of Labour. He has not been rattling his head in the affirmative as I have been making my remarks, although I really appreciate the fact that he is in the House for the bill. There have been occasions recently when that has not happened. I am talking about the Attorney General (Mr Scott), who seldom comes to the House except for the glory time of question period and seldom even answers the questions; he has never been around to carry a bill as far as I have seen.

**1600**

The fact that the minister is here shows his personal interest in it and I think the minister needs to be commended for that. I want to take away that compliment and just wish that while he is here he would be thinking about the issue that

he might have to readdress several months from now when both parties come back. Why not get the thing in order now? Why not allow himself the pleasure of knowing he has done a job and he has done it well and he closed the loop?

Right now the minister is dealing with an issue that has no sense of completeness to it. I do not think that the people in the province of Ontario at this point are as concerned as maybe I am expressing it. There was a great picture in one of the Toronto papers where a TTC driver was just fixing his tie and getting ready to hop on his bus or vehicle and head off to carry on the service. I mean, everybody just heaved a great sigh of relief and said, "Thank goodness." They were just delighted and I am delighted. I want to see that we do everything possible to keep them rolling, keep them going and know that we want to keep them happy. Therefore, why did the minister not put within his bill the sense that we are not going to have to face up to this same kind of thing just a short time from now?

I wish as well that the minister had not played the game of just saying in the early part of September, "Oh well, we are not going to get involved." The fact of the matter is, I asked the minister these questions—and I hope the minister will answer them because I am anxious to know the details of his meetings with Local 113, and I also want to know the details of his meetings with management over the last week. I asked the minister when he had his first meetings with them; I am very interested in knowing that. I would also like to know under what authority he was acting when, in fact, the Premier was saying back on 6 September, "It is not the government's responsibility to get involved," and yet the government did get involved.

I was saying that before the minister said it and before he began to get involved. I happen to remember being called into the Legislature for a special sitting in August 1984 prior to the arrival of His Holiness the Pope, who was coming to Toronto and before he was going to be—was it 1984? I am pretty sure it was. We had the House in special session, and I happen to recall that the Liberals and the Conservatives voted together on that bill in order to make sure there was not going to be a strike to inconvenience not only His Holiness but also the people of the greater Toronto area. There was a sense of decisiveness then. What I have seen with this government over the past five weeks is no decisiveness and then when they have a chance to make a decision, they still cannot make a decision because they put together an incomplete package.



I know I am repeating myself and sometimes you try to come at it from different angles in order to get these guys to be alert to it. I know when people are looking on TV and they say, "Oh, they're at it again." The House is back in session; I wish we had come back even sooner if it had meant that we could have done something to address the concerns of both sides in this dispute and that, therefore, the people of the greater Toronto area would not have been as seriously affected.

What are we faced with? We are faced with a government which has got 94 seats. Because we are committed to having transportation run, we will be supporting the bill. We will be making reasoned amendments that we believe will improve the bill and will give it certain time areas that will make the bill more for the long term and complete this set of negotiations for both sides.

I have been involved in negotiations on school boards, and I know how painful it is and how difficult it is. I happen to believe that the Minister of Labour has one of the very difficult portfolios. He is a person I personally like and is capable of doing a good job of handling it. I do believe there is an opportunity here for the minister to carve out some differences in that bill. Do not just believe because it is written in ink that it is carved in stone. The minister still has a chance to consider the points that we are making.

There are so many things that we could be saying on this. I have to say that I have a sense of disgust with the fact that it had to go on for five weeks, five long weeks where people were up early in the morning, home late at night, giving them a taste of what transportation is going to be like in the future in the greater Toronto area.

The pace this government is moving to improve transit services and the pace it is expanding and improving any of the services that affect commuters and roads for this area really leaves me concerned that we have gone through four years of unprecedented economic boom at a time in which there has been an opportunity to do some of the long-term planning and we are dealing with a government that is still sort of letting it all happen, without establishing a focus and a set of priorities and putting the money behind those priorities and showing that it really has a plan for the future.

I see the forebodings of what happened to Bourassa during his election campaign when the nurses went out on strike. I just hope those forebodings do not end up with the same result where government members end up getting

re-elected with a massive majority for the kind of mistakes they are making.

**The Acting Speaker (Mr Breaugh):** Are there any comments or questions? If not, is there further debate?

**Mr Philip:** Mr Speaker, I congratulate you on your new post and your chair and on future posts that you may have in this House.

I also congratulate the Minister of Labour on his new post. I had extensive dealings with him in his previous portfolio, and I know he is a sincere individual who has been open to members of the opposition and to their suggestions.

**Mr Cousens:** Which one has he taken from you?

**Mr Philip:** He has taken quite a few from me from time to time—I guess maybe it is just the member for Markham's that he has rejected—because he does have some ability to accept some suggestions. Indeed, it was this minister in a previous incarnation who did initiate an internal review that I have said publicly I thought was a good review of one of the agencies under his jurisdiction. I think that should stand.

I guess it is unfortunate that we are now facing this problem. No one wanted the inconvenience experienced by the TTC users, by my constituents and indeed by the employees of the TTC over the last few weeks. But I guess if you had looked at the situation at the TTC as I have done over a period of years, being a Metro member and being Transportation critic at one time for a number of years—from 1975 to 1979, I guess it was, or maybe later than that—I think we have seen a management at TTC that in fact has not been what one could call the most enlightened of managements.

Indeed, I had a number of informal conversations with one of the employees of the TTC who later left that commission out of frustration. He happened to have been a neighbour of mine, and over a period of years I had an opportunity to listen to some of the horror stories of what can only be described as inappropriate management decisions, decisions which I do not think any management consultant would have advocated and indeed decisions which did nothing to improve the morale of the workers and could only lead to confrontation between the union and management. These stories I later confirmed in talking to other employees.

I guess I have to say that I am not terribly surprised, but as a former management consultant and as somebody who has worked with both unions and management, I have to say—and the minister, I think, from his own personal experi-



ence will know this—that if you are going to introduce change and that change is going to have a significant impact on the lives of your workers, then you have to do it in consultation and with some sensitivity, and you do not simply impose it without having consequences to pay for that imposition.

The consequences are particularly true if your product happens to be a product that is in service of the public and indeed where it relies on your employees to be your front guard in dealing with the public. That holds true whether it is a police force, a grocery chain operation or anything in which you are providing a service where your employees are the contact with the public. You have to be very careful to make sure that changes are done with consultation and that the morale of those employees is at such a level that they take pride in their job and do not feel they are being put upon. If you do not, then the service suffers in some way, not because the employees deliberately go out and sabotage the service but simply because the psychological effects on individuals, the unhappiness that is created has to have an effect on their work, as well as on their family life.

We have seen this in study after study of various types of companies, some of which have operated with an enlightened management style and some of which have operated with a more authoritarian style.

#### 1610

We have seen that the use of part-time workers has met with really questionable results wherever it has been tried. Whenever part-time workers have been introduced in any industry in the name of efficiency, it has invariably posed a threat to the job security of the full-time workers. I guess one has to ask why the TTC situation should be any different and why the employees of the TTC should feel any less threatened when they look at the experiences of their counterparts in industry, or indeed even their counterparts in United States jurisdictions or even their counterparts in the municipal public service.

We have the statement by Ray Hutchinson, the president of the union, who showed that his negotiators were willing to be flexible. He was ready to provide the means of slashing overtime bills, of giving management greater powers in scheduling of workers and of providing better service to the public. The union, we understand, was prepared to cut overtime bills by roughly \$3.5 million annually by creating a permanent category of workers whose sole assignment would be to fill in for absent workers. If we look

at the models that have been used in other systems that are serving the public, we see that this kind of model has been used elsewhere.

There are serious questions about the use of part-time drivers that have created real problems in the US. One can only hope that some of these problems that have been raised, problems of security of jobs, problems of the service in terms of the consumer and indeed problems in terms of safety, will be looked at by the fact-finder and that he will make a serious study and do research into what has happened in US jurisdictions before he brings in his report.

It is really questionable whether or not there have been any substantial savings through the use of part-time workers in other jurisdictions. One of the factors one has to look at—over the years as chairman of the standing committee on public accounts and as our party's critic on government spending, I have become particularly attuned to hidden costs that sometimes do not show. If you look the use of part-time workers in various industries, you have to look at some of these so-called hidden costs: the cost of personnel turnover that invariably goes up with the use of part-time workers is a cost that you have to measure and take into account before you that you have any savings, and there is the cost of the morale on the end product that you are producing or that you are providing through the use of part-time workers.

All of these are hidden costs, particularly the cost of training, which in turn is very, very expensive whenever you have a higher turnover or whenever you have the use of part-time employees. We have seen that in some of the other service industries here in this province.

At one of the organizations that provides home support services to seniors, where I am on the board of governors, we are having a major problem as a result of underfunding by this province. The underfunding means less attractive salaries, and less attractive salaries, among other things, means high turnover and also means extremely high training costs to our organization.

You have to take into account all of these hidden costs when you are examining whether or not you are actually saving money by your so-called system. You have to look at other models to meet the same objective. I mentioned earlier, as has my colleague from Hamilton, the fact that the union did make other proposals that might well satisfy the concerns of management, for which they are trying to justify the use of part-time employees.

Employees of the Toronto Transit Commission have shown that they are very concerned about high productivity. If you look at the last seven to eight years, ridership has increased by 24.7 per cent, mileage has increased due to new routes and route expansions by 19 per cent and the number of additional system vehicles has increased by 15 per cent, all of these increases, and yet the staff complement of operators has increased by only 5.5 per cent. That suggests to me that there is a high productivity in terms of the TTC employees and that they are pulling their load in trying to produce a quality service at a reasonable cost.

I have visited several United States jurisdictions, usually on holiday, where large numbers of workers are part-time. I have talked to these part-time workers as they rush from one part-time job to another part-time job and, in some instances, I have talked to people who have as many as three part-time jobs. We are starting to see the same phenomenon in Canada to some degree as a result of the free trade agreement and the influence of the US market system on our economy.

It seems to me Canada has provided a more sensitive, a more caring type of society than that of our US counterpart. It seems to me that we have cared about families, that we have cared about what industry is doing and the kinds of problems it may be creating for its workers.

Although by and large we have had, not perfect laws and not perhaps as enlightened as some in the European jurisdictions, in comparison to many of the American jurisdictions, I think that our labour laws have provided more support for families and for the kinds of qualities this society stands for.

I suggest that the influx of the part-time worker system is really an importation of something that I think is traditionally alien to many of the values many of us hold, values of the importance of the family, values of the importance of people having a job where they can at least have regular or somewhat regular hours, where they can have a predictable schedule and where they have some job security so they can take care of those concerns and those things that make life worth while and make our families worth while and make our society a more sensitive, caring society.

I hope that when the fact-finder looks at all of these things, he will look not just at the bottom line but also at the effect of part-time workers on our society and on the families of those people who are directly affected.

If you look at what we have in Metropolitan Toronto, we have a system in which 68 per cent of the cost of a TTC ride is paid for out of the cash box. It is paid for by the riders themselves. We have to look at whether or not this is adequate. Certainly, if we look at other jurisdictions, indeed, even other jurisdictions in Canada, we see that it does not compare favourably.

I hope the Minister of Labour will take these views into account. I hope the fact-finder will take these views into account. We look forward to further developments as they arise.

It seems to me that the kinds of intervention that are advocated by my colleagues to my left are not the kinds of constructive interventions I would advocate. I think what is clearly needed is leadership by the government, but there is a difference between leadership and direct intervention and I think this distinction must be made.

#### 1620

**The Acting Speaker:** Any comments or questions? Any further debate? The member for Don Mills.

**Mr Velshi:** Thank you, Mr Speaker. First and foremost, I would like to congratulate and wish you well on your appointment.

It gives me great pleasure to respond to the introduction of this bill. The role played by an efficient, award-winning transit system in a city the size of Metropolitan Toronto is vital. I received more calls from persons in my riding on this one issue, on the slowdown, than I have had on any other issue in a long time.

**Mr Cousens:** And what did you do about it?

**Mr Velshi:** This is what we did: My minister took action.

**Mr Cousens:** He didn't take calls on it. He wasn't going to get involved.

**Mr Velshi:** This is the very same member for Markham who objected to interjections from members from my side. If he wants to say something, I am prepared to sit, just like he offered.

We, the elected representatives, go to great lengths to tout the advantage of a modern, safe and efficient transit system. We say that taking the car into the downtown core is both unnecessary and inefficient, and then this happens to the elderly, the disabled, the schoolchildren and those who heeded our advice and got rid of their automobiles.

Nothing brought home more the vital role played by the management and the employees, who are the transit system, than the recent reduction in service and the looming threat of a



complete and utter shutdown of the entire transportation network. To these groups of people and many others, the transit system is regarded as an essential service. Since 1849 when a single horse-drawn omnibus inaugurated the service at the corner of King and Yonge streets, public transportation has grown with and has been a catalyst to economic development in the greater Toronto area.

Nowhere is there a more outstanding example of the role of an efficient transportation system's place in the economic prosperity of an urban centre than the opening of Toronto's first subway line in May 1954, and nowhere is there a better example of how we rely on the men and women of the TTC than in the summer of 1974 when Toronto almost ground to a halt with a three-week, system-wide strike.

As legislators, we have the responsibility to ensure that the inconvenience of 1974 will not be repeated in 1989, but this must be achieved in a manner that is fair to those who run, to those who operate and to those who use North America's finest public transportation system. I applaud the steps taken in this regard by my colleague the Minister of Labour. He has recognized the government's duty to end the public inconvenience without taking the easy route of imposing a solution on the disputing parties. The government, through the minister, has displayed its respect for the right, and I might add the obligation, of the two parties to arrive at a solution themselves.

The outstanding issue of part-time workers has not come to a resolution with the passage of time. As a result, I see the provision of a neutral fact-finder's report as a very positive move. In this way, the government will encourage the resolution of the issue without imposing its own solution. This is very important, as the Labour Relations Act and the collective bargaining process are supported and respected, and it places the onus exactly where it was originally intended to be to resolve the issues, on the parties, not the government.

It is vital in all situations such as this, where a stalemate has been reached, that the government not be forced into what amounts to bailing out the disputing parties with a quick-fix solution. The act introduced yesterday by my colleague offers the parties an opportunity to resolve their own unique issue in their own unique way.

I want to close by tipping my hat to the innocent third party in this dispute, the citizens of not only my riding of Don Mills but of all Metropolitan Toronto, who throughout these

trying past few weeks have shown patience and understanding not to be found in many cities the size of ours. I acknowledge and applaud their goodwill, and I know I speak for all those who use the TTC when I say I wholeheartedly support this bill.

**The Acting Speaker:** Any comments or questions? Further debate? The member for Beaches-Woodbine.

**Ms Bryden:** Thank you, Mr Speaker, and may I congratulate you on being raised to your position of First Deputy Chair of the Committee of the Whole House and also Acting Speaker at times.

As a Metro Toronto member, I have been following with great interest the collective bargaining process between the Amalgamated Transit workers, Local 113, and the Toronto Transit Commission. We in the New Democratic Party caucus have met with both sides in order to be fully informed on the issues. I may say that we received more concrete documentation from the union than from management.

As a Metro member and a public transit user on many occasions, I am acutely aware of the serious hardships suffered by literally thousands of transit riders in this greater Toronto region. Motorists also suffered because they were forced to use overly congested streets due to the slowdown, and the workers were certainly seriously disadvantaged by the fact that they had to put on some sort of job action in order to bring attention to the issues, because collective bargaining, which had been going on for a number of months for a new contract, was not being proceeded with in good faith.

I really sympathize with those who stood in long lines waiting for buses and streetcars, often in inclement weather. I recognize the patience of many in those lines and I was thankful we did not have a full shutdown, as has happened in past years, but I do not think we should have had to put up with all that hardship and disruption of our daily schedules and daily lives for such a long time. It appears to me management deliberately prolonged the collective bargaining process by refusing to negotiate about the part-time issue. That is where the blame should be put.

The union tells us it was ready to accept proposals in the working conditions field a week or 10 days ago. If they had been offered a fact-finder's study of the part-time issue, which is what we are actually getting under this legislation—a study that would be thorough and exhaustive on the issue but would not be binding at the end and would simply give us a planned



resolution—if the union had been offered a fact-finder's study of that sort in order to get the part-time issue off the table, the whole issue could have been resolved 10 days ago.

I think you have to put the finger on the Toronto Transit Commission and its bosses, you may say, in the Metro council, who appoint that commission. Many of them were new this year and I think inexperienced in collective bargaining, but even the Metro council refused to give them any direction. A motion was moved at Metro council that the council should ask the two parties to meet with it so that they could find out what the issues were. That motion was defeated. So Metro council has to bear some responsibility for the long delay in settling this very difficult dispute and for not helping people get back to normal more quickly.

The Minister of Labour also stayed out of the picture for far too long. In none of his press releases did he offer the proposed fact-finder's study as a possible resolution that the two parties might start looking at. It may have been done behind closed doors by some of the conciliators, but it certainly was not brought forward to the public to let them know that there was a possible solution to the problem that would allow for an exhaustive examination of the part-time issue. That only came out when the minister decided to drop the axe, as it were, and put in compulsory, binding legislation to settle the issue.

### 1630

New Democrats have generally been opposed to compulsory binding legislation. One of the problems with it is that in labour-management situations which may be difficult to settle it encourages management to wait for the axe to fall. It encourages management to wait for the government to intervene. It seems a real shame that when the two parties were in agreement on practically everything else besides the part-time, that the government, if it was going to intervene, did not come in quickly with that kind of suggestion which is in the legislation before us.

So I hold the government responsible also for this, what appeared to be a breakdown in collective bargaining and which inconvenienced a great many people in this city and which inconvenienced the whole area. We lost a lot of money, actually, in the operation of the system and the efficiency of our economy in this area.

I know the union had worked out a proposal which had permitted full operation of the system without part-time workers. My colleague the member for Hamilton East went through this proposal in great detail and showed that it would

have saved a minimum of \$1 million a year and probably a great deal more, if you started to count the improvement in productivity that would come from it. All it would have required was the hiring of 40 additional full-time TTC employees. This was long overdue, because the system had been greatly expanded, new routes had been opened up, but they were trying to operate those new routes with the same complement of staff they had I think it was five or 10 years ago, and rely on part-timers or other arrangements to service those new routes and to keep the old ones operating at full efficiency.

They were relying on an inadequate workforce, and the management now was telling them, "We'll solve these difficulties of staffing and operating your new routes as well as your old ones if you let us hire part-timers." Management also tried to sweeten the pill by saying: "We'll pay the part-timers full rates if they work a full eight-hour day. We'll pay them benefits." Of course, it would only be prorated if they did not work a full eight-hour day, and really what it would be, it would be the thin edge of the wedge to hiring more and more part-timers. That is what the issue was all about.

Because once you say, "Well, you can have so many part-timers in this contract," next year, management will come back and say, "We need more part-timers, because we can cut the cost by so much that way." It is cutting costs by reducing wages. It would be cutting costs by busting unions, really, because instead of a labour force fully organized and able to bargain its conditions collectively with strength, the union would be weakened and the part-timers would multiply at management's whim and we would be into a situation in this metropolitan area where the TTC was one of the many industries that has become the victim of job loss and has become the haven for part-timers. It is not really a haven, but management is beginning to put the whole retail trade on to part-timers, the supermarkets on to part-timers, and even many of the downtown services. Even in the stockbroking offices and various service offices, you will find part-timers are replacing full-timers.

That means we have a less mature community and a place that is less desirable in which to work, because part-timers do not buy houses, part-timers do not build families; they cannot look far enough ahead. Part-timers do not keep unions strong so they can have proper collective bargaining when it comes to settling their wages and working conditions. Part-timers do not do any of those things. In many cases, they are not

organized or they are very difficult to organize, and the whole commercial sector of this city is being taken over by part-timers. So I do congratulate the Amalgamated Transit Union and its locals, which have been supporting it in many ways. I do congratulate them on fighting the part-time issue, because it is not only going to affect transit workers, it is going to affect almost everybody who works in this city if we do not fight that trend.

So there was a reasonable proposal before the group, and unfortunately management exercised its rights to not look at it. I think the management rights question is something that we also have to look at very carefully. It used to be in the old days that whatever the boss said went, and then unions gradually got organized and some of them were able to get a share of management rights and say: "You can decide the scheduling here, but you cannot decide how many vacation days we are going to have. We will write that into the contract."

The kind of management rights that have been coming out of this new TTC board, I would say, puts them back into the days of King John at Runnymede and the barons when Magna Carta was brought in. You may remember that Magna Carta was considered a defence, a protection against the arbitrary rule of a despot king. What that said was: "If any of our English liberties are curtailed by his dictatorial decisions, we have to have a say in it, he has to consult us. Probably if you do not you will have a civil war." That was the threat. So Magna Carta became the great charter of English liberties and it now still applies to any need for protecting the equal rights of citizens in any nation-state, shall we say, or anywhere in the world.

So we have to insist that employers start sharing their management rights more fully. It is only a legitimate request for workers to have a say in their scheduling and in how many full-time employees they have to meet the needs, how they improve services. I think if members look and if the minister looks at the proposal from the amalgamated transit workers they will find that their proposal is a very well-thought-out and very useful alternative to the use of part-time workers, and it will provide more full-time jobs. It will provide more people in our community who can become part of the community which develops families and develops a working pattern that will keep our community alive and well.

I think these are the reasons why our caucus looked very carefully at whether we should support this bill. We know it is accepted by the

union as a very reasonable solution to their fight, but the main reason it accepts it is because it puts the whole part-time issue into another category and it will be treated in a different way, a way that until we go through the process we do not know how acceptable that method will be, but at least we will have the facts looked at and a report brought out on the issue.

So it is acceptable, I understand, to most of the union people. So why should we vote against it? Mainly because once you start voting for compulsory arbitration of any kind you may find that you are being asked to vote for other kinds of compulsory arbitration that may not be as acceptable, either to the union or to your principles of promoting collective bargaining in good faith.

#### 1640

That is why we feel that in order to signal our displeasure with the way this dispute is being settled, through legislative fiat, really, through Bill 58, we will vote against this, but we are looking forward to the establishment of that fact-finding commission, which I think could go ahead under other legislation if the other members of the House voted with us and we defeated this bill. Also, I am sure that the union and the TTC have pretty well agreed on what their next contract should be, so there will be no reopening of the slowdown or any strike. We are in that situation that the system is operating, but I think it just could be done in a different way to make sure we get the fact-finding study and the conditions that have been worked out through so much hard work and disputation.

I think that is the main reason that the member for Hamilton East also indicated that he would be voting against compulsory arbitration, that it is part of our principles and we do not want to set any precedents for future disputes. We hope most future disputes do not come here to this Legislature and we hope the Minister of Labour will learn from this particular process and this particular situation in probably the most important city in the province, but the process will go on elsewhere too. So we hope the Minister of Labour will learn from this situation that efforts to improve collective bargaining in good faith are what he should be working at.

**The Deputy Speaker:** Any questions and comments on the member's statement?

**Mr Mackenzie:** The member once again outlined some of the threats to workers in the part-time route. There is one other small threat I would like the minister to take note of; not a threat, but one other concern I did not put on the



record. That is that with 8,500 workers, there are a handful, about 10 or less, who are hourly but are on mileage. I am wondering, when he responds to the various speeches, if he could tell us whether they are included in the five per cent wage increase.

**The Deputy Speaker:** Questions and comments on the member's statement? Does the member for Beaches-Woodbine wish to respond?

**Ms Bryden:** I would certainly underline what my colleague said about rectifying that lack of clarity in the bill regarding the people who are on mileage rates. I think we should make sure that the legislation and the administration of it goes through with the intent of the people who have been engaged in the collective bargaining; make sure it is a contract that will not come back to us, and that we will go ahead from this one to new contracts.

**The Deputy Speaker:** Do other members wish to participate in the debate?

**Mrs Marland:** In rising to speak to Bill 58, the Toronto Transit Commission Labour Disputes Settlement Act, I want to say at the outset that what has happened here has been quite a revelation for those of us who have been watching it go on, I think particularly on behalf of those of us who represent ridings where our constituents depend on the relationship between our local transit companies, as in the city of Mississauga, where Mississauga Transit integrates with the Toronto transit system.

It is like so many things this Liberal government does. They simply have done it all backwards. Actually, I would like the minister, when he gets an opportunity to respond, to elaborate on the nature of the meetings that took place in his office last Thursday. I understand the minister had a meeting at 10 o'clock with management and he had another meeting with labour at 11, and that his press release was given out at noon. I further understand that the press release said he would be introducing this back-to-work legislation today. So I really have to wonder what the point of his meeting was. Did he have management come in at 10 o'clock and labour at 11 and say, "Look folks, this is what we're going to do"?

Obviously, the minister did not intend for them to have any successful use of time over the weekend. If he told them on Thursday morning that he was issuing the press release right after those meetings, that he was going to introduce this back-to-work legislation, then he was telling them that after everything he has said about

hands off, that the government must not interfere, that it cannot be resolved by a third party—after saying all of that, from what we hear about those meetings Thursday morning, he was finally saying, "Look folks, this is what we're going to do."

I think that is really quite an interesting approach, especially when the Premier has said all along that there is no role for government in these negotiations, that it must be settled by themselves. In fact, the Premier said on 6 September: "It is not the government's responsibility to get involved. We are not planning on interfering. They are both over 21. They are both mature groups."

That is a very casual, offhand comment by the Premier, and I think this slapstick approach to government is something the people of Ontario can see through, this approach to government where the government does not feel it is responsible for anything. It has been demonstrated so many times to us in the past four years, but particularly in the past two years with the arrogance of the 94-seat majority the Liberal government has in Ontario, that it really does not have to listen to anybody, nor does it have to take responsibility for anything. When something gets a little dicey, a little touchy, maybe a subject like Sunday shopping, they dump it off on to the municipalities.

Other major issues that should be decision-making time for the Ontario Liberal government are passed off to other levels of government for their administration. We are certainly seeing that indication with the rumoured changes in the administration of our environmental protection in this province and our housing policies. This government really does not want to make a decision on anything.

I think this statement by the Premier about the TTC strike is another indication that—when he said that it is not the government's responsibility to get involved, that it was not planning on interfering, then what is he actually saying? Is he saying it is okay when people cannot get to work? Is he saying it is okay when people spend two hours instead of one hour on public transit in Toronto, if people cannot get comfortably to a medical appointment because the transit system is so clogged and crowded that they cannot get a seat and they are not strong enough to be in a position where they have to stand for their whole transit ride? Is he saying that is okay? When students are late for classes, does education not matter either?



## 1650

I think the unfortunate thing is that the government does not seem to know when is the time to step in and when is the time to make a decision. I think the whole approach of this government, particularly in this situation, is one of "Well, we won't do anything until we absolutely have to," and now there are parts of this bill that I think are almost humorous. I mean the fact that the bill refers all the easy issues to the arbitrator; in fact it refers all those issues that management and labour already have an agreement on in principle. I mean the fact that they are saying that they will refer the issues that deal with—let me just find the list of the issues because I think this is quite significant.

They deal with the issues of—I cannot find the list unfortunately of the actual issues; oh, here they are. These are the issues that they have referred to the arbitrator, although there is already an agreement in principle. I mean this is what is so great. They have referred the issues of the wage increase, the split shifts on weekends, vacation time in summer. All those are easy issues. They are really already resolved, so they refer those to the arbitrator. The one issue which is outstanding goes to the fact-finder, and it goes to the fact-finder for a report on or before 30 June next year.

What do we think is going to happen in June next year? We are going to be in the same position that we are in now because, for sure, when the fact-finder's report comes out, it is going to please either management or the union; it is certainly not going to please both. So we are going to be back in exactly the same position that we are today. Management and labour will still not agree.

What the government should have done was, first of all, develop a term of reference to include both the management and the union proposals to resolve the full service issue. They should have had the fact-finder to ensure that he or she would have full access to all data pertaining to the issue and such data would be provided to both parties for verification. They should have had the fact-finder to investigate and release the report in a given period of time and not wait necessarily till 30 June 1990.

What is going to happen, I understand, is that the parties would be then given another 90 days to negotiate the fact-finder's recommendations. So then already it is going to be September 1990, and if there is still no agreement, it only then would be sent to binding arbitration for resolu-

tion within a further 60 days. So on and on it goes.

Now I know under the labour laws and the union agreements there is a certain process, but all I am saying is that I think it is really interesting when the government sits back and in its hands-off way says this situation is not its responsibility. They do not want to get involved. In fact, I think the minister said today when he started that he wanted to say no government involvement. Maybe the minister still says no government involvement, but what is this if it is not government involvement? I mean what is a piece of legislation that legislates people back to work but government involvement?

I happen to agree that this is where we should be at, but how can they say one thing two or three days ago, and I understand it has been their position all along that the government should not be involved, and then finally after all of this time it is involved? I mean at what point do they decide that they are going to take the responsibility and be involved so that people are not inconvenienced?

The fact that the daily riders dropped by over 100,000 people during this job action is very significant and it should be of very real concern, I think, to the minister. I understand that the money, the loss of revenue, is something like \$160,000 a day, something like \$7.6 million lost to the transit system. We know the fares will go up next year anyway, but maybe the fares are going to have to go up more to recover the loss because this strike was allowed to continue for so long.

I think it is also significant when we look at where we are today that there are real flaws in what has happened. Frankly, I think the government is hunting mice with an elephant gun in appointing an arbitrator to settle those issues upon which both parties already agree in principle. I really have to wonder what it is the minister is doing by referring those issues to an arbitrator.

I think too that when the minister looks at what the TTC and the union have agreed upon and where his legislation takes them today, I have to say, what was it that he was waiting for? I think the whole issue of the Toronto transit strike has been mishandled by the Liberal government. I just feel that it is a further statement about it when they say, "We do not want to be involved, we want to keep our hands clean," and they do that until far too much time passed and far too many people were inconvenienced at far too great a loss

in terms of revenue for the largest transit system in Ontario.

Bear in mind, I do not know what the subsidy currently is of the Toronto transit system by the provincial government but I can remember a few years ago when we were trying to get a subsidy for the Mississauga transit that was the year the Ontario government subsidized the Toronto transit system \$120 million. I am sure by now perhaps it is close to \$200 million. Maybe the minister has those figures.

The fact is that the Ontario taxpayers, wherever they live in Ontario today, subsidize this Toronto transit system, and what do we have? We have a loss of revenue of \$7.6 million because this strike has been allowed to continue, and so those Ontario taxpayers who already subsidize the system are going to have to subsidize it at least \$7.6 million more because that is the loss of revenue due to this Liberal government's inaction in solving and resolving the transit strike until this late date, in spite of the fact that the government said it did not want to get involved, but wanted to leave it to management and union.

It is how the government has handled all of the strike situations in the last four years, and I think it is time the people of Ontario had a government that was accountable, did make decisions and did take action in the best interests of the people of this province.

**The Deputy Speaker:** Any questions or comments on the member's statement? Do other members wish to participate in the debate?

**Mr Reville:** I rise to participate in the debate concerning Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes. As I rise, my gorge rises with me because I have just heard my colleague in the third party, the member for Mississauga South (Mrs Marland), comment somewhat crossly about the incredible subsidies that must be being paid to the TTC by the people of Ontario in the right of the government of Ontario. That is like waving a red flag in front of a male bovine creature.

**1700**

One of the things that Metro members of this Legislature have been whining about—let me not mince words; we have been mewling and puking about this issue for these many years—is the mingy subsidy that the province of Ontario provides to the transit riders of Metro Toronto. Lest there should be any doubt in the minds of members of this Legislature, lest they be not able to interpret the fine old Scottish adjective “mingy,” what that

means is cheap, cheap, cheap: 16 cents on the dollar.

The fare box in a Toronto transit vehicle is required to produce 68 per cent of the cost of running the system; 16 cents is provided by Metro and 16 cents out of the goodness of the heart of the government of Ontario. Lest the member for Mississauga South need any more information, this is the smallest subsidy to any major transit system in the free world. It may even be the smallest subsidy to any transit system anywhere in the world, free or not free. That is cheap.

One of the reasons why workers at the TTC are always being pressed up against the wall by management of the TTC is because this government and governments before it for so these many years have been unwilling to subsidize what is, in my view, one of the finest transit systems anywhere in the world, free or not. Although I have not had a chance to ride on all of them, I have had a chance to ride extensively on the Metro system and on systems in other major cities in the western world.

The people of Metropolitan Toronto—dare I say it, management and workers—should be proud of the system they have developed and maintained, which in the main delivers people to their destination without a lot of muss and fuss, including some routes which other transit systems would not sustain because in fact they are not routes that are designed on profitability; they are designed on service to people, and that is the way it should be.

I think the government of Ontario's refusal to recognize the contribution that the TTC makes to the wellbeing of the economy of Metro and the emotional wellbeing of people trying to get to work and trying to get to places they need to get to in a very big metropolis is not well enough recognized by this government. Quite often, when that situation obtains, it is the workers who are held to ransom by their managements, and economies attempted to be realized on the backs of workers who require their salaries to live.

So we see in other endeavours that are undertaken by workers in this province. I guess the most obvious of those endeavours would be neighbourhood support services, where people in fact are paid ridiculously low wages to do the good work that they do because various governments refuse to acknowledge the value of that work. So you have child care workers doing what I think is perhaps the most important job in our society, labouring for \$15,000, \$18,000, \$20,000, \$22,000 a year, and that is a shocking



situation. Home care workers out there are working at five bucks an hour because this government and the federal government refuse to acknowledge the value of that work by putting their money where their mouths are.

It has always been a good place to work, the TTC. There are some problems with working conditions and there always have been, because of the nature of the kind of work that is done there, but in fact you can earn a pretty good living there. The reason you can earn a good living working for the TTC, in my view, is because labour has organized and because collective bargaining is generally possible in this province. So the workers have gone and sold their labour for the best bargain that they could achieve. That is a system that my party is particularly interested in maintaining without intervention by governments.

There is no question in the mind of anybody who has looked at this situation carefully but that the management of the TTC and the TTC commissioners wanted the government of Ontario to intervene. Why would they not? The government has intervened in this particular collective bargaining arrangement time after time after time throughout the history of aborted collective bargaining in the province of Ontario around transit matters. The Pope is about to visit Ontario and before there is any work stoppage, a previous government brings down legislation saying, "There shall be no collective bargaining." Imagine that. It has happened over and over again. It is happening again here today.

As my colleague the member for Hamilton East, a person from whom I have to take lessons in respect to labour matters, points out, this may be a very unusual case in which a government intervention does not shaft the workers. But what does it do? It gets the general manager of the TTC off the hook. It means that he does not have to cut the mustard; he does not have to confront the very real issues that were raised in the collective bargaining process. It gets off the hook the TTC commissioners, who were unprepared to cut the mustard.

I find that particularly regrettable because this is the first time we have had collective bargaining going on between management and workers at the TTC when the commission has been made up of people who are technically accountable. It is a cruel irony that the concern expressed at Metro council was that, "Well, you got these citizen appointments to the TTC"—and these were various big shots around the town, various development lawyers and what not, and they

really did not have a constituency—"so we had better replace them with politicians because they are accountable people." Of course, we did replace them with those of us who have a Metro kind of base. What our Metropolitan government did was replace them with politicians. Alas, we replaced them with politicians who are accountable to management, not to workers. Would you not know that is the way we would do it.

So a former colleague of mine, Lois Griffin, who is now the chair of the TTC and a Metro politician, who makes so bold as to allow as how she has never ridden on the TTC, is unprepared to come to terms with the concern of the workers that future jobs available to people in Ontario would not be jobs that would provide them with a decent living. No, they would be jobs that would provide them with part of a decent living.

As New Democrats, we stand in this House to support workers in a lot of situations. In fact, we see it as our job to stand and speak up on behalf of workers in all situations because we are pretty clear about whose side we are on. Sometimes those situations are a little more difficult than others, but this one is an easy situation for us because what the members of the various unions representing the bargaining units in this connection are trying to protect is decent jobs for people who are not even employed today.

They are not under any threat. No one has suggested to them that their jobs were at risk. What they are doing is investing in future jobs. What they are doing is speaking out now, at considerable inconvenience to themselves, because they have all taken home smaller paycheques, they have all been subject to various kinds of irritation that have been expressed by people who use the TTC, they have been harassed unmercifully in the media by the management of TTC, but what they have been doing is saying, "We think that if you live around Metro Toronto you had better have a full-time job, because you can't make it if you don't."

## 1710

We are going to take a stand today to try to protect those full-time jobs. We have seen other transit systems in North America that have gone the part-time route, and we have seen what it means to those part-timers who have to have two, three and four jobs in order to put enough bread on the table in economies that are not very friendly—as none of them are in the major urban centres in North America to people of low income, where housing prices are going up through the ceiling, where they have to face the hostility of this and other governments which



decide thereon on the side of, say, insurance companies, where the family car costs you more to drive because insurance rates keep going up.

The TTC workers are not just imagining things. They knew quite well that the trophy or award for Transit Person of the Year was going to be bestowed on the general manager of the TTC if in fact he could shove part-time into the contract. It is very curious what drives some of these things sometimes. There are various kinds of executive directors and general managers of major transit companies throughout North America; they were all kind of holding their breath to see if the general manager of the TTC could somehow ram part-time work down the throats of the workers who deliver the service to us here in Metropolitan Toronto.

There is no question that my constituents and the constituents of anybody who represents a Metro riding, and those people who represent ridings adjacent to Metro, people who transferred to the TTC, were inconvenienced by the job action taken by the TTC workers. The TTC workers were absolutely conscious and concerned about that fact. It is one of the dilemmas for a group of workers, when they provide what is a very important service, to try to figure out just what they should do to let management know they are not going to knuckle under to unfair management demands.

The TTC workers looked at the past history of being legislated back to work, sometimes before they even said, "Boo," sometimes after they had said, "Boo" for a while. They knew that approach was a no-win situation because, in fact, they were absolutely certain that this government would step in and butt in where it has no business belonging in collective bargaining.

I think they came up with a courageous and appropriate strategy. I had lots of calls, and I am sure my colleague the member for Beaches-Woodbine had calls too, from people who get on the 5:05 or the 5:04 or the 5:01, or the subway or the Coxwell bus, so they can get to work and get home again, or so they can get to places they have to go to. I guess it is a pretty hard sell to say to people, "You have to put up with some inconvenience because this is an important struggle." Yet there were people who said, "Yes, I will put up with it." Indeed, there were people who said, "I won't put up with any inconvenience at all." That is part of the urban reality as well.

Quite frankly, I think this government has significant responsibility for that urban reality, a government that has allowed housing prices to go

through the roof so that ordinary people cannot even dream of buying a house in Metropolitan Toronto and tenants are subjected to inadequate living conditions and exponential increases in rents in spite of having been promised by this government to be protected from consumer ripoffs, where we have an escalating drug crisis in this city that make people kind of afraid to go out of doors in case they run into a drug deal and catch a .38 in the back of the head.

These urban breakdown symptoms relate to the inappropriate response of this government and create a climate where a few weeks' inconvenience, half an hour or an hour more to get to work and back, becomes an intolerable burden to bear. I think it is an interconnected web of urban despair and urban nervousness that I feel every time I talk to my constituents, and I lay that at the doorstep of this government as well. I am not saying these problems are easy to solve. We will have an opportunity to discuss many of these problems in greater detail, and I hope soon, in this House.

In closing, I just want to reiterate my personal distaste and that of my party for government intervention in the process of collective bargaining. I want to reiterate my party's long-standing plaint that this government has to support the TTC network more adequately than it has up until now, so that savings are not realized on the backs of workers. Those of us who live in Metro or in the area surrounding Metro know how expensive to live here, and even on my vast salary I do not see a lot of dollars left in my pocket towards the end of the month, and I make a lot more than a TTC operator makes, so I understand very personally why they are so concerned about those who will have to make do on half of what they make or a quarter of what they make. It just cannot be done, and that is no way to treat economic needs of people, by saying, "Okay, we will make it possible for you to have half a job or a quarter of a job." We are not going to stand for that.

We are not going to support this bill, although we do have the qualifications that have been already mentioned, that strangely in this case, I think the workers are getting shafted less than they normally do. I am looking forward to the fact-finder's report. I suspect what the fact-finder will say is that part-time may be good for management but is sure as hell is poor for workers.

**1720**

**Mr Runciman:** I appreciate the opportunity to participate in this important debate. It is regretta-

ble that more members of the government side of the House are not taking this opportunity to express views on this kind of legislation and the initiative undertaken by their Minister of Labour. I thought it was interesting to as well hear the member for Riverdale (Mr Reville), whose comments I frequently enjoy. I am making reference to his party's distaste for government intervention. In respect to labour disputes, of course, he did qualify it. I guess that is perhaps the only area in which that particular party would have any sense of distaste in terms of government intervention.

I want to extend my congratulations to the new minister for his elevation, I guess, to that particular portfolio. I know it is perhaps the toughest in cabinet, and certainly not one that I would or will aspire to when we form the government in 1990 or 1991. I would much rather be, perhaps, Minister of Industry, Trade and Technology, tour the world like the incumbent is currently doing in a very effective and frequent manner. But certainly it is a tough job and in many ways a thankless one.

Even though we do not agree with all elements of the bill that the minister has brought forward, I again commend the minister for taking action. It could have been a very serious situation—a crisis situation, I think, is not going overboard—if the minister had not intervened in this labour dispute.

I also want to take a couple of minutes to make reference to the role of the member for Markham (Mr Cousens). He made comments early in September with respect to encouraging government intervention at that time, and I think the pressure which he applied on the ministry and on the government was important with respect to the government finally determining that it had to take action on this critical matter affecting the greater Toronto area.

The member for Markham is someone who over the years has exhibited great leadership abilities in this Legislature and outside this House. I have known him since he was elected in 1981. During his tenure as Chairman of the Committees of the Whole House and later as a member of the executive council as the Minister of Correctional Services, he again exhibited in a very forthright manner the talents that all members of this House recognize that he possesses.

I just wanted to put those views on the record so that listeners and viewers would know that other members of this Legislature appreciate the

efforts and the commitment to the task by the member for Markham.

The member for Markham, as members know, and this is a related matter, is also making a significant effort to try and deal with the transportation problems related to the greater Toronto area. Unlike the government, he is once again trying to show the way with respect to how this government could deal with some very important and critical concerns facing residents of the greater Toronto area.

I am not speaking on behalf of my party, but I do want to express some personal views with respect to this labour dispute and the fact that this sort of thing has been occurring for a great many years. The most recent one we have read about in the paper, and of course I was a member of the House at the time, was the legislation passed in 1984 to preclude any labour dispute that might arise during the visit of the Pope. We can go back to other times when we had the House recalled during the summer months to deal with a labour dispute involving the TTC.

I think it is time that perhaps at least the Liberal Party and the Progressive Conservative Party took a look at dealing with legislation that would declare the TTC an essential service. In my view, it is an essential service and it is going to become increasingly so in the years ahead. We have witnessed over the past four years, in any event, a very significant deterioration in the GTA infrastructure and a commitment from this government that has been lacking with respect to dealing with that problem.

We are going to see increases in population of a significant variety in this area and again an increasing emphasis on improving and increasing the carrying capacities of the transit systems in the GTA. I think it is well beyond time where we as legislators took the bull by the horns with respect to this issue. It is a difficult one, and certainly there are going to be those who will object to the concept of declaring it an essential service and mandating binding arbitration for future resolutions of labour disputes within the TTC.

As someone who served on a municipal council, I know that binding arbitration is certainly not a panacea. I know most of us felt that with respect to police matters, fire matters, nursing homes, etc., that were referred to binding arbitration or were faced with compulsory arbitration; in many instances the municipal governments were faced with settlements that did not reflect the economic reality of the community.



I think those kinds of things can be dealt with in the government through the Ministry of Labour or through Treasury or whatever. Perhaps Management Board can lay down guidelines with respect to arbitration that do very clearly recognize the economic realities of a given municipality.

Of course, with the TTC situation, we know that in terms of the cost of living in the greater Toronto area it is a very unique situation indeed. Hopefully, any binding arbitration requirements would very clearly recognize that special status in terms of the economic situation.

I want to talk about the bill briefly with respect to the requirements that the minister has placed upon the two parties. I have some difficulty, and my party has some difficulty, with the fact that the government is referring all issues other than the part-time issue to binding arbitration, and the part-time issue, the most contentious one, it has left in the hands of a fact-finder.

As someone who has had considerable experience in organized labour as the contract negotiator with the International Federation of Chemical, Energy and General Workers' Unions and as a former union president—I always like to say that when we are talking about labour matters, because it tends to rankle my friends over here. But in any event, as someone who has dealt with a number of contract negotiations, I have difficulty with this concept.

I have to wonder about the people within the ministry who arrive at these kinds of conclusions. How many of them have had hands-on experience within the labour movement? How many of the people who design these kinds of proposals for the minister have really been out there on the plant floor? How many are people who have been involved in tough negotiations, tough bargaining? I think in many instances these are people residing in bureaucratic ivory towers who do not have any recognition of the reality out there, whether it be on the plant floor or out within the TTC, and the kinds of difficulties that the workers and management face in trying to deal with some very onerous, difficult and significant problems.

What strikes me very clearly is the fact that, as I have said, the minister has set this most contentious issue aside from binding arbitration. Any time I was involved in negotiations, you look at your negotiations as a total package. I think it is extremely difficult and it puts both parties in a difficult position when you take one particular issue and set it aside and place it in a separate forum in which to reach an agreement

on. When you are negotiating, you are taking a look at the total picture; there are tradeoffs on both sides of the table, and those tradeoffs have to do with the total picture.

If you are talking about part-time workers, which is the most contentious issue, a very important issue to both parties, and you are taking it out of the context of the remaining points that are going to be discussed, negotiated and agreed upon at the bargaining level, that just does not make any sense to me, because all of those have to relate to each other. If you are going to make a concession in one area, you are looking for a concession from the other party in another area.

What the minister has done with this initiative is take the most contentious issue out of that bargaining package. I think it places everyone in a difficult position. I think it places the arbitrator in a somewhat difficult position as well. I do not think it is a reflection of the reality of current-day collective bargaining. I think, again, it reflects badly upon the minister's officials, the people who designed this concept and put it forward.

Perhaps it reflects upon the minister's newness to this portfolio and perhaps his own—I do not know his background, but perhaps it is quite limited in terms of his exposure to collective bargaining and organized labour from the management or labour side. I do not know. Perhaps the minister will have an opportunity to elaborate on that if he wishes to at some point later on.

### 1730

That strikes me as perhaps the major flaw, the major weakness in what the minister has proposed in this legislation. I want to put that on record. I do not think it is too late. I am not sure how far the process has evolved or whether anything has transpired up to this point or whether we are waiting until the legislation is passed. I assume that is the process and that is why we are expediting this process, so that nothing can be undertaken until such time as the legislation is passed. If that is indeed the case, I would urge him to reconsider the separation of this major issue from the remaining points of dispute and discussion. I think it is something that perhaps he should take back to his officials and try and get some objective advice with respect to whether indeed this is workable and whether it is going to place both parties in very difficult positions, and the arbitrator as well.

**Mr Charlton:** I think the comments that have been made on Bill 58 by my colleagues have clearly set out our party's position in terms of government intervention in the collective bar-



gaining process, but I think it is useful, since this process keeps happening over and over again, if we talk somewhat about some of the reasons we oppose this kind of intervention.

The new minister I think tried to play the game appropriately by denying right up to the last minute that he intended to intervene, and his staff obviously to some extent understand what an indication of intervention does to the collective bargaining process. But I guess that speaks to the very heart of the issue itself, and I think if we stop and think just for a moment about what the officials at the TTC are saying to themselves this week and what those people perhaps as well in the Amalgamated Transit Union Local 113 are saying to themselves is: "They've done it again. They lived up to the expectation that the province would intervene and not allow a strike to occur or, at the very worst, not allow it to go on very long. We didn't have to reach a settlement because they did intervene at the last minute."

At some point, if we really want the collective bargaining process to work, we have to say no, there will be no intervention, and for one round at least we have to stick to that commitment that there will be no intervention; and let the consequences for that one round fall on the heads of those who refuse to settle.

In the specific case we have before us here in this Bill 58, we have the classic case where on the one key outstanding issue there was no movement for two solid months. There was no negotiation. There was no discussion. There was no compromise. There was no attempt to try and step that issue down to a closer and settleable range.

Again, we have given both the parties in this strike—in this negotiating situation, rather, and potential strike, lockout, whatever—and we have given the other parties in this province who have been subjected to government intervention in the past the belief that when push comes to shove and when the crisis is imminent, the government will intervene and cause a settlement to occur in one way, shape or form. It may not always take exactly the same shape and form but, "The government will resolve it for us somehow and we don't have to sit down and settle now." That is essentially the psychology that develops out there.

I may not be unique in very many ways but I am one of those fortunate people who has had the opportunity, on a good number of occasions, for many long hours, to sit on both sides of the negotiating table. For 10 years prior to my election, I was a president in the Ontario Public

Service Employees Union, the union which the government negotiates with representing its employees, and I spent an extensive number of hours behind negotiating tables on behalf of my fellow members of the union. Since my election and more specifically for the last eight years, I have spent my time on the other side of the bargaining table, on the management side.

I have seen both sides. I have seen how both sides develop strategy, not how they deal with specific nitty-gritty issues but how they develop strategy, and how they approach the question of the overall negotiation that confronts them, what the key issues are that they want to achieve or avoid, and how any tool that happens to exist becomes part of that bargaining strategy.

Bill 58, even though it had not been written and had not been named, became part of the bargaining strategy in the negotiations around the TTC issues this year. It became a part of that strategy because, on the other occasions over the course of the last 12 or 14 years when the negotiations with the TTC were apparently coming to a stalemate, an impasse, the government has intervened. It has intervened to stop a strike that had been going on for a short time; it has intervened to prevent a strike from occurring.

Now we have done it again, and we have ensured that this lever, this tool, will therefore be part of the strategy in the next set of negotiations between the TTC and its union and the planning around the next difficult set of negotiations that those parties commence.

That is the kind of lesson we are teaching to at least those parties and to probably some others who have been or fear or expect that they could be legislated back to work.

There are a number of other reasons why the kind of intervention that is set out in this bill specifically is objectionable, aside from the pure, free collective bargaining philosophical discussion, about how free collective bargaining should operate and the responsibilities that should lie with both parties to a collective bargaining process, responsibilities which get diminished by this kind of legislation.

There are the specific issues of the circumstance we have before us here, and some of my colleagues have mentioned them. I want to mention the part-time issue specifically and to address what I view is a major failure on the part of this government. I am not reflecting this failure on the current minister, because he is new in his position as Minister of Labour, but it is a failure of this government because the part-time issue is not a new issue in Ontario. It has been an

issue that has grown by leaps and bounds throughout the period of economic recovery since 1983.

We have seen the growth of part-time employment in Ontario mushroom over the course of the last six years and it will continue to mushroom until, as a society, and as a government that is supposed to provide leadership for our society, it takes a position and starts to put in place the mechanisms to help and protect working people. It will continue to mushroom.

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We all understand the kind of economic chaos that the recession itself caused, the hundreds and thousands of people who lost jobs and subsequently lost homes, the marriages that broke up as a result, the impact that had on families and children. Fifteen years from now, unfortunately, we will still be studying the economic and social consequences of that recession; and I believe, even more unfortunately, because we are going to spend the next 15 years studying the economic and social consequences of the recession, it will be 25 to 30 years before we start to deal with the economic and social consequences of the recovery, which on far too many occasions we have taken the time to boast about.

On a weekly basis, I have people come into my constituency office to see me, people who used to work at Firestone or at Canadian Porcelain or at Westinghouse in extremely solid, high-paying industrial jobs; people who made financial commitments in our community; people who made social and family commitments to their spouses and to their children; people who bought homes, because they wanted to be part of a better and growing community; people who now at 55, 56, 57, 58 years old have lost their homes; some of them have even lost their marriages. Some of them have found work. Some of them have found full-time work, and where they used to earn \$15 an hour, they are now working for \$7.50 an hour. They are not going to survive very long in that kind of scenario. Some of them have not even been able to find full-time work. Some of them are the people who are stuck in the part-time jobs that have been mushrooming throughout our society.

The key stumbling-block issue in this labour dispute was the part-time issue. And what are we doing? Hands off; fact-finder; and then we will see what the fact-finder has to say. If the union and management can come to agreement in terms of the fact-finder's findings, they may settle this dispute, but it is all a part of what is going on right across Ontario.

The minister can find in his own ministry—again, he has not been there long enough to wade through all the paper reports that exist, but if he were to take a look he could find statistical reports on what has been happening in the retail sector, for example, the devastation of the jobs in the retail sector that has gone on over the course of the last six or seven years by the move from full-time employment to part-time employment.

The department store where I shop in Hamilton is now down to about 10 full-time employees—10 on the floor anyway; there may be a few more in the back rooms, in the offices, that I am not aware of because they are not the ones I talk to when I am in the store every week. But we are down to about 10 full-time employees in the huge department store. Everybody else is now part-time. That store provided probably 100 full-time jobs.

If we allow that kind of change, if we allow that kind of degradation of the employment opportunities in Ontario to continue, this government down the road will be crying in its beer because of the huge demands for social assistance from part-time workers who cannot find full-time employment, who do not now exist. But what do we do? We continue to avoid the issue. We come in with legislation like this that says, "We don't want to deal with the issue." It is the major item of dispute in this labour relations exercise between the TTC and the ATU, but: "We don't want to deal with the issue. We don't want to comment on the issue. We don't want to view the consequences of the issue. We want to send it out to a fact-finder and let the two parties, based on the fact-finder's report, somehow resolve the issue." That is not good enough.

The part-time issue in Ontario is an issue that we in this Legislature have to come to terms with, because if we do not, nobody else will be able to, and it is an issue that holds huge consequences down the road for the economy and the social life of Ontario. Bill 58 is not the way to approach that issue; Bill 58 is the way to avoid that issue.

I plead, Mr Speaker, through you to the government, to the minister, to start to do the work that is required of us here in this province to start to come to terms with what is really happening in our economy, so that just a few short years down the road we do not get hit with the biggest surprise of our lives, as the society that we have known in the most prosperous province of Canada crumples around our ears and the demands for social assistance overwhelm us in a huge tidal wave.



We have a responsibility to understand what is happening in our society and to work in the best interests of all the average people in this province. They are the people who are being impacted by the move to part-time, not just at the TTC, not just in the retail industry, because it will spread wherever anybody can find a benefit from the use of part-time employment, as one success will beget another.

Unions in large part will fight the issue all the way down the line, but unless there is some leadership, as has happened in the retail sector, it is an issue that ultimately the unions will lose. Even if they win round one, round two, round three, round four and round five, ultimately it is an issue the unions will lose, without the leadership and direction that the government can provide in Ontario.

Bill 58 is not a bill that deals with the dispute between the TTC and amalgamated transit Local 113. It is a piece of legislation that on one hand, as I have said and I repeat, has just reiterated a negotiating strategy element which those parties have used in the past, and reaffirmed that it will likely be there for the future; second, it is a piece of legislation that avoids one of the real battles in the labour relations context that is happening out there in Ontario: the part-time issue.

It is time that we see from this government, instead of legislation like this, some leadership in trying to address the very serious economic and social consequences that are associated with a major shift in this province from full-time to part-time employment, at the same time as we see the other economic things happening like the price of housing, specifically here in Metro but across the province as well. Even in my own community, even though we do not have the kinds of prices you have here, we have seen a doubling, 100 per cent increases, in the value of homes over the course of the last decade.

Whose income has gone up by 100 per cent? Nobody's in Hamilton. Nobody's. I should not say nobody's: nobody who works for just below or just above the average wage, certainly. There may be some company presidents and the like—I am not aware of them if there are—who have got those kinds of increases, but the average people in our communities have not seen those kinds of increases.

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But sooner or later, those demands will be there and when we put that mix all into a pot with this move by industry, by the retail sector, by even some public agencies like the TTC to part-time employment, the writing is on the wall

and it is time we started to take the warning seriously and work to come to terms with this problem in a way that provides some leadership. To say: "For them to bargain the answer, we don't want anything to do with it. We just want to make sure the people of Toronto aren't inconvenienced by a transit strike. Bring in a bill, send them back to work and solve their problem for them," is not an adequate approach.

Again, I plead to the minister to start doing some serious looking at what is really happening out there, so we can start to get on with addressing the problems in real terms, not in back-to-work legislation.

**Hon Mr Phillips:** I do want to make a few comments. I think, as we look at this bill, we are indeed following the fundamental principles that I, as the Minister of Labour, believe in. First, I very much support the collective bargaining process. I think it is extremely important that we recognize that it works well and this bill does the best we can to ensure that happens in the future.

The second thing is that as a provincial government, I think we must be very reluctant to involve ourselves in disputes. Reluctantly, we are involved in this, but I suggest to all of us that the result of the bill is minimal involvement by the province.

The member for Markham, I think, raised what he thought were three holes in the bill. I want to put his mind at ease, because they are not there. The first thing he was concerned about was the 30 June report of the fact-finder, 30 June 1990; it will be out on 30 June or earlier. There is a provision in there that if for some reason it cannot be done, the Minister of Labour has the discretion to give him or her more time, but it is the clear intent of the bill to be out 30 June 1990 or earlier.

I think the second thing he raised is the possibility that during the term of this collective agreement, which is two years, to 30 June 1991, there could be another slowdown. That is not possible, because the Labour Relations Act says that a strike includes a slowdown or "a concerted activity on the part of employees designed to restrict or limit output." The bill prohibits strikes during the term of this agreement, so that we will not see a slowdown or a lockout in the dispute.

The third thing he was concerned about, I gather, was that the part-time issue is not going to be sent to binding arbitration. Of course, that is central and fundamental to the bill. What he was proposing is another approach, whereby the fact-finder's report might become binding on the parties 90 days after it came out.



We think that is wrong. We think that on an issue like this, clearly the best solution is to lay all the facts out between the parties—the fact-finder's report will do that—and then to compel both sides to bargain in good faith, which the bill does. If we put a gun to one party or the other's head by imposing binding arbitration following the issuance of the fact-finder's report, I submit we violate the fundamental principle we are trying to adhere to here; that is, to take this issue and to have both sides bargain in good faith around it and reach a collective agreement on their own.

There were a few specific questions members asked that I might be able to respond to. I think one of the members of the official opposition raised an issue about whether individuals who are on mileage contracts were included. I say I assume that they are part of one of the three bargaining units here, so they would be included. People included in this bill are Local 113 of the Amalgamated Transit Union, Local 235 of the International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local 2. So I make the assumption that those individuals are one of the three bargaining units.

Also there was a concern raised by I guess the member for Leeds-Grenville (Mr Runciman) about the feasibility of separating these issues. I can just say that both parties felt that a very helpful resolution of this dispute would be sending it to a fact-finder and having the fact-finder develop all the facts around the part-time issue. Where the two sides disagreed was whether that report would be binding or not, but both sides agreed that that would be helpful to the resolution of the issue. So in answer to the member for Leeds-Grenville, I think there was acceptance that this is an issue that could be separated and dealt with in the form we are proposing.

Another member questioned why, if both parties are essentially in agreement with the issues except the part-time, we need an arbitrator. It is clear that those issues need to be finally

brought to a resolution. If essentially both sides are in full agreement, the arbitrator has a very simple job. It will not take long and it will get done, but we need to have in place a mechanism that ensures a resolution of it.

I think the member for Leeds-Grenville asked a specific question also around some of the ministry staff. Just as a matter of interest, I am pleased to say that in our industrial relations group—it would be interesting, I think, to all members—the individuals involved in our mediation are, almost without exception, experienced individuals who have been either on the employee side as a bargaining agent or on the employer side as a personnel agent; by the way, they split about 50-50, so within our mediation group about half would come from management side, about half from labour side; all experienced individuals. I want to point that out, because the advice we get from that group I think reflects the kind of hands-on, practical experience.

I am very pleased to move on the bill, pleased in the sense that it resolves the issue, not pleased in the sense that the province is involved in these issues, because I think our success is avoiding becoming involved in these issues. But on this one, I felt we must become involved. I think the solution we have proposed here is clearly the best long-term issue. It allows both sides to look at the part-time issue, look at the fact-finder's report, and reach a collective decision by themselves.

**The Deputy Speaker:** Mr Phillips has moved second reading of Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for committee of the whole House.

The House adjourned at 1800.

## ERRATA

No.	Page	Column	Line	Should read:
49	2737	1	24	house and saw your three-year-old chickens dead

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
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 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
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**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
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 Cooke, David S. (Windsor-Riverside NDP)  
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 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
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 Kerrio, Vincent G. (Niagara Falls L)  
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 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
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 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
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 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

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- Miclash, Frank (Kenora L)
- Miller, Gordon I. (Norfolk L)
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- Nicholas, Cindy (Scarborough Centre L)
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- Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)
- Oddie Munro, Lily (Hamilton Centre L)
- Offer, Hon Steven**, Solicitor General (Mississauga North L)
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- O'Neill, Yvonne (Ottawa-Rideau L)
- Owen, Bruce (Simcoe Centre L)
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- Reycraft, Douglas R. (Middlesex L)
- Riddell, Jack (Huron L)
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- Runciman, Robert W. (Leeds-Grenville PC)
- Ruprecht, Tony (Parkdale L)
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- Smith, E. Joan (London South L)
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- South, Larry (Frontenac-Addington L)
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- Tatham, Charlie (Oxford L)
- Velshi, Murad (Don Mills L)
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- Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)
- Wildman, Bud (Algoma NDP)
- Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)
- Wiseman, Douglas J. (Lanark-Renfrew PC)
- Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)
- Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Thursday 12 October 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 12 October 1989

The House met at 1000.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

**The Deputy Speaker:** May I bring the following to the attention of the members this morning: As you are aware, we have some new standing orders. For the benefit of the members, I shall read standing order 94(c).

"The time available for debate on each item of business under this standing order shall be apportioned as follows:

"(i) 10 minutes for the member moving a motion;

"(ii) a period of 15 minutes to be allotted in rotation for a representative or representatives of each of the recognized parties in the House. The mover of the motion may speak a second time during the time provided for a representative or representatives of the party of which he or she is a member;

"(iii) two minutes for a reply by the member moving the motion."

As all members are aware of the new standing orders, I just thought I would repeat that for their benefit, especially for this first time.

### INSURANCE LEGISLATION

Mr Furlong moved resolution 20:

That, in the opinion of this House, recognizing that existing insurance legislation has not undergone a comprehensive review in many years and that the realities of international competition require the updating of statutes to ensure both consumer protection and fair competition in the insurance field, and recognizing that the breakdown of the so-called four pillars necessitates the updating of our statutes to ensure continued confidence in Ontario's commercial marketplace and that continued discussions concerning insurance issues at both the federal and provincial levels are necessary, and further recognizing the desire by the banks to enter the field of marketing insurance products, the Minister of Financial Institutions should immediately embark upon a comprehensive review of existing insurance legislation to ensure consumer protection and

continued competitiveness in the marketing of insurance products in Ontario.

**The Deputy Speaker:** Mr Furlong has moved the private resolution standing in his name. Pursuant again to standing order 94(c)(i), the honourable member has 10 minutes for his presentation.

**Mr Furlong:** To say that insurance is a vital part of our modern society would be an understatement. For most residents of Ontario, the availability of insurance makes it possible to own property, to own and operate a vehicle and to run our businesses without risk of serious financial loss. As the Insurance Bureau of Canada puts it: "Insurance substitutes certainty for uncertainty." It makes it possible to substitute a small but definite cost, the premium, for a large and uncertain loss.

Insurance companies as well as other financial institutions have been among the most highly regulated industries in Canada. The reason is simple. This industry has played a vital role in Ontario's economy and has been required to maintain a financial trust on behalf of ordinary consumers. In 1988, there were 558 insurance companies licensed to operate in Ontario. Combined, they wrote over \$14 billion of premiums. The industry employs approximately 76,000 people.

Consumer and investor alike have used the Insurance Act as a security blanket. Very strict rules on ownership and restricted investment opportunity gave the impression of a blue-chip security net. The Insurance Act provided investment security even in the construction of wills and trusts. We must now, however, reflect on this security blanket. Is it still there?

For years, financial services in Canada have been provided through the traditional four pillars: banks, trust companies, investment dealers and insurance companies. A change is occurring. The ongoing breakdown of the so-called four pillars necessitates the updating of our statutes to ensure continued confidence in Ontario's commercial marketplace and consumer protection.

I want to take a moment to briefly review what has been happening in the insurance industry. Recent federal changes in the regulation of financial institutions indicate that federally regu-

lated insurance companies operating in Canada will be allowed to be involved in a broad new range of activities in the future. The banking industry has made it clear that it wants expanded powers which include the retailing of insurance products. Perhaps the federal government may deal with this matter through its update of the Bank Act.

However, if the revised legislation does not preclude all involvement of banks in the marketing of insurance in the future, it may become necessary for the province to address the issue in order to ensure that consumer protection is well served. It will be necessary for Ontario to ensure that its residents are provided with appropriate consumer protection. This must be addressed by way of information disclosure and education, fair marketing practices and distribution systems and access to just remedies and redress.

As I mentioned, the conduct of the insurance industry in Canada has been and must continue to be closely supervised and regulated by both the federal and provincial governments. Federal and provincial initiatives in the restructuring of the regulation of financial institutions have been evident over the past three years. The federal government is primarily concerned with the solvency and stability of insurance companies, which are registered under its statutes and regulations. The province has the predominant role in supervising the terms and conditions of insurance contracts and the licensing of companies, agents, brokers and adjusters operating under provincial charters.

The ongoing challenge is to ensure that insurance is available to consumers who contract for it and that insurers are financially capable of paying claims of policyholders. In December 1986, a policy paper entitled *New Directions for the Financial Sector* was tabled in the House of Commons. The purpose of the policy paper was to provide a framework for new federal legislation designed to extend powers, to change the ownership provisions, to provide tougher regulation and a more effective supervisory system and to clarify rules on foreign participation of and for banks, trusts, loan and insurance companies and other federally regulated financial institutions.

The key objectives behind the policy paper are to promote competition and innovation, thereby enhancing options available to consumers and broadening sources of credit for individuals in business; to ensure the soundness of financial institutions and improve consumer protection; to control self-dealing; to guard against abuses arising from conflict of interest; to promote

international competitiveness; to foster world-class institutions.

In 1987 Ontario reacted with the passage of Bill 116, An Act to revise the Loan and Trust Corporations Act. Our province acted as a leader in introducing modern legislation governing loan and trust corporations. This massive financial deregulation threw open the province's stock and investment business to banks, trust companies, giant foreign corporations and other interests. This act was the product of years of consultation with legislators, industry members, professional groups and other governments. This act is considered to be the most comprehensive of its kind in Canada. It has served as a model for other jurisdictions.

The new provincial act balances the need for change in today's economic climate with the need for control of areas that could lead to unsound business practices. It strengthens, for example, areas related to depositor protection while at the same time providing the corporations with greater latitude in investment choice.

One might argue that the enactment of Bill 116, along with the federal government initiatives, spells the final collapse of the traditional four-pillars approach to regulating financial institutions, in which stockbrokers, banks, trust companies and insurance firms were prevented from invading each others' businesses. I might note in passing how quickly big banks moved in to acquire large brokerage houses after the passage of this act.

The expansion of the powers of the various financial institutions recognizes that different types of financial institutions are now offering similar products, structured differently, due merely to regulatory constraints. The removal of the barriers between the various types of financial institutions and restrictions on common ownership is contributing to the disappearance of the four-pillars concept and may allow for the implementation of full-service financial supermarkets in Canada.

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The change in the financial structure of insurance companies and other financial institutions has been significant. What then is the impact on the insurance industry and the insurance consumer? What details should be included in the provincial legislation governing financial institutions? Should financial institutions other than insurance companies be permitted to retail insurance products? If the answer is yes, then how do we address competition, service to customers, potential customer abuse,



conflict of interest and confidentiality of information?

No one can dispute that there is a demonstrated need and a demand for a comprehensive review of the Insurance Act. Although there have been numerous amendments to it over the years, they have been done on an as-needed basis. The Insurance Act has never been comprehensively reviewed since its enactment over 50 years ago. There are a number of antiquated provisions in this legislation. It is not well organized and it does not include a modern corporate governance framework for the operation of insurance companies. In addition, the financial regulation, market distribution and consumer protection areas require a policy review and legislative overhaul.

The insurance industry itself has acknowledged that a major revision of the Insurance Act is necessary. In 1985 the Canadian Life and Health Insurance Association Inc made a submission on the revision of the Insurance Act. This summer the Ministry of Financial Institutions called for consultation on proposals for life insurance agent reform. This model for qualification on licensing of life insurance agents is presently out for public review and input. Current standards have been in practice for over 40 years.

An insurance review would help to ensure that issues such as this are adequately studied. With the changes in the financial services industry, the nature of the insurance business is changing rapidly and insurance review could help to develop a new definition of insurance to provide a focus and direction for the regulation of insurance services in the future.

If the banks are permitted to network the sale of insurance, it may be necessary for the province to introduce consumer protection measures to ensure sufficient consumer disclosure, fair competition and consumer choice.

In addition to the Insurance Act, the insurance division of the Ministry of Financial Institutions also administers seven other statutes. All of these statutes need to be analysed to determine whether they are still required, whether they require updating or overhaul and whether they could be incorporated into an omnibus insurance bill.

It is clear that Canada is in the midst of a number of important changes with respect to the regulation of financial institutions. Insurance companies operating in Ontario will be allowed to be involved in a broad new range of activities. This will result in many new and challenging

opportunities. I urge members to support this resolution.

**Mr Kormos:** I have no hesitation in supporting this resolution. I am going to vote in support of it and I am hoping that as many members of this Legislature as can be present will do so, because the issue of consumer protection, when it comes to insurance, has been foremost on our party's agenda for a long, long time now and certainly has been the subject matter of much questioning and debate right here in this very Legislature.

Indeed, it was the government's own minister back in the spring of 1987, when he announced what was heralded as some sort of, albeit half-baked, resolution to the ills of the auto insurance industry, which was going to be some relief for consumers in that regard, who said the auto insurance industry is treating consumers shabbily in this province. The government, as a result of the pressure put on it by the opposition, because this was still during the period of the accord, made a number of promises.

Those promises, of course, peaked in the three days before the general election in 1987 when the Premier (Mr Peterson) promised that he had a specific plan to reduce auto insurance premiums here in Ontario. So we are very concerned about the protection of auto insurance consumers and indeed think that a major overhaul is necessary if drivers in Ontario are going to be protected and treated fairly.

I have to give some examples of the sorts of things I am speaking of. Let me tell members once again about a young man, 24 years old, from Thorold, Gino Pasquariello, licensed for eight years, works as a letter carrier. He had been insured with Commercial Union for two years—no claims, no Highway Traffic Act violations, no accidents—but had the misfortune in March 1989 to strike a child who was at a school crossing, a child who according to the police investigation ran out past the school crossing guard.

This situation was indeed unfortunate. We are told there were some very minor, readily treated injuries to the child, but one in which the Niagara Regional Police held there was no criminal or Highway Traffic Act liability on Mr Pasquariello's part. No charges were laid, no writ and no notice of any pending action were served on Mr Pasquariello. It was an accident for which it would appear, according to the observations of all reasonable people, that he was not at fault and for which there was going to be no claim made against his insurer or against him.

The young man, with eight years of driving experience and two years with that insurance company, had been paying premiums in the range of \$600 or \$700 a year for the one vehicle that he was driving at the time of the accident, and he was told by his broker that as a result of that, Commercial Union was not going to cover him any more.

We are not talking about a person who has had a plethora of claims made against him or who has demonstrated bad driving. The option that was given to him was very limited, because he was told that his new premium was going to be \$2,964, certainly a dramatic increase, some 400 per cent over what he had been paying mere weeks earlier. Here is a young man who feels completely betrayed by the absence of any consumer protection for drivers here in Ontario.

He contacted me and I raised this matter here in the Legislature with the minister on 7 June. I raised it again with the minister in committee on 19 June. The minister assured me he would use his offices to come to the aid of Mr Pasquariello. The impression one got was that he, the minister, recognized this as an injustice and an abuse by Commercial Union, in this case an auto insurer, but that he, the minister, would come to Mr Pasquariello's aid. At the time, I certainly appreciated that.

I told young Mr Pasquariello from Thorold that the minister was going to help him, that the minister had told me that he, the minister, was going to help Mr Pasquariello and that it was a simple matter of being patient and waiting.

That was back in March of this year, but as recently as yesterday, Jack McKay, a 40-year-old driver from Albany Avenue here in Toronto called me and was quite disturbed. He operated a 1985 Honda Accord, was insured with Wawanesa Insurance since 1981 and was buying from a broker here in Toronto. His current renewal date is November 1989. Last year he paid \$717 for his insurance.

Once again, Mr McKay, a 40-year-old driver with some significant years of driving experience, had not acquired a highway traffic record. He had made some claims against his policy for vandalism and theft from his vehicle. As far as he was concerned, that was why he was paying premiums, so that if there was damage done to his vehicle or contents were stolen through no fault of his, he could seek compensation. He acknowledged that he recently was involved in a traffic accident, a collision. There was no personal injury and he told me the property damage was modest. He was told that as a result

of that final claim, Wawanesa will not renew his policy in November of this year when it becomes renewable. He had been paying a premium of \$717, one that he realized was a considerable premium but none the less one that he had budgeted around.

It was not a matter of Wawanesa's saying, "Look, you've made a number of claims and now you are going to suffer surcharges as a result of having made those claims." It was a matter of Wawanesa's saying, "No, we are not going to insure you any more," basically dropping Mr McKay like the proverbial hot potato.

The shocking thing was that his broker, H. Later and Co, shopped around for him, as brokers tend to do, and found coverage for him, very much like Mr Pasquariello, who ended up being quoted a price of almost \$3,000. Mr McKay was quoted the best price they could find: \$2,586; again, almost a 400 per cent differential between what he had been paying and what he was expected to pay. What the broker did not tell him at first instance was that this was not an insurance company, this was Facility Association, just as with Mr Pasquariello; that indeed Mr McKay was not going to be able to buy insurance from a regular insurer at definable rates—never mind reasonable, we are long past that—but at definable rates.

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What we find is that the Facility Association has enjoyed huge increases in the numbers of drivers that it insures. Indeed, in January 1988 there was a value of premiums in the range of \$13 million by Facility Association. In 1989, for the same month, it had increased to \$21,622,000; a significant differential, a significant increase, and obviously a reflection of the numbers of people who are no longer allowed to be insured, who are being turned down arbitrarily and without notice by regular insurers.

Once again, having heard of the minister's willingness to assist, I wrote yesterday to the minister outlining Mr McKay's dilemma, his being forced into Facility Association, his being forced into a premium range of 400 per cent greater than what he had been paying previously, premiums jumping from \$717 to \$2,586; again, a good driver, one who has not suffered a plethora of at-fault claims, one who has conducted himself responsibly, one who is being abused—no two ways about it—as so many others in this province are, by the auto insurance industry.

I sent this letter to the minister, hoping he would show the same enthusiasm as he did back in the early part of this year about Mr Pasquariello.



lo, but my optimism has become somewhat feckless, because indeed the response to Mr Pasquariello's difficulty down in Thorold has been—well, it has been less than promising. No two ways about it, the word processors were in gear and were pounding out the typewritten material.

In July, the minister wrote to me thanking me for telling him about Mr Pasquariello, and indeed writing to Mr Pasquariello indicating that I had written to the minister and that he, the minister, was going to look into it and that he was referring the matter to his superintendent of insurance. Quite frankly, my impression of the minister, my appreciation of him increased—albeit momentarily, because the net result in September of this year was a big zero. Indeed, Mr Pasquariello got what is the standard form letter from the superintendent of insurance, which basically says: "Too bad, so sad. You're on your own, pal. You've got your problems with the insurance industry. We know we're the superintendent of insurance, but we're not going to get involved. As I say, too bad, so sad. You're on your own."

What this means is that the consumer protection agency, in effect the superintendent of insurance, failed Mr Pasquariello totally. As toothless as an agency could ever be, it gummed the issue for a while and then spat it out back into Mr Pasquariello's lap.

So indeed we do need legislation in this province that protects consumers with respect to auto insurance. We need legislation that ensures that people can obtain insurance affordably, which ensures that people will not be arbitrarily denied insurance, as so many tens of thousands of people in this province have been in the recent past. The farthest thing in the world from meeting those requirements is the new so-called Ontario motorist protection plan. It is just incredible that the government, that the minister, would try to pass this off as some sort of protection plan. This is the most offensive bit of legislation to pull the rug out from underneath drivers, as if they needed that at this point in our auto insurance history.

We are talking about legislation proposed by this government that means that most people will get nothing, absolutely no compensation for pain and suffering. It means that most people who are employees will be unable to recover their full loss of wages. It means that those people who are self-employed and who are innocent victims of motor vehicle accidents, self-employed people, small business people, will be unable to recover

any loss of profit and any losses associated with the disruption of their businesses.

These are the sort of people who will end up losing their businesses, be forced into bankruptcy and be entitled to recover nothing, albeit they are innocent victims of bad drivers, of drunk drivers, of careless drivers, of negligent drivers. That is what is the government's new legislation is doing for small businessmen who will be the innocent victims of these types of bad drivers.

We are talking about legislation which will guarantee that people will be unable to recover any compensation for many serious physical injuries, including broken bones, scarring, torn muscles and the pain and suffering that accompanies these and other injuries. This is legislation that tells you that you cannot, you will not, you are not going to be permitted to recover any compensation for emotional or psychological injuries, such as depression, shock or anxiety.

This is legislation that guarantees—some guarantee—that no matter what you earn, the most you can recover is \$450 per week, notwithstanding that your income or wages could be higher than that and notwithstanding that your expenses, your cost of living, your mortgage payments, what it takes at the supermarket to put food on the table for your family, for your wife and kids has not been reduced. This legislation is going to guarantee that even you as an innocent victim in a motor vehicle accident will not be able to cover your actual loss in wages.

This is the last thing in the world that could be called a motorist protection plan. Indeed, as I say, it is offensive and completely unacceptable. We know what it is. It is the arm-in-arm dance with the auto insurance industry here in Ontario. What the government is telling the auto insurance industry is, "We'll give you, the auto insurance boys, everything you ever wanted," and what it is telling the drivers of this province is, "You're going to get screwed once again."

**The Deputy Speaker:** Thank you. The member's time is up.

**Mrs Cunningham:** I would like to congratulate the member for Durham Centre (Mr Furlong) on his resolution before the House today. For certain, it is a resolution that the Progressive Conservative Party will strongly support.

When we are looking at a comprehensive review of Ontario's insurance legislation, in order to ensure consumer protection and continued competitiveness in the marketing of insurance products in Ontario, the member for Durham Centre has brought to all of our attention, I think, a lot of issues that do affect the



marketplace and do affect people's lives directly. It is much deeper than just looking at what the insurance industry is all about and what the role of the provincial and the federal governments is all about in the marketplace. It is one that directly affects the lives of families.

In taking a look at the history that is changing so rapidly before our eyes as we look at the four financial pillars in this country—banks, trust companies, securities dealers and insurance companies—and the move to global financial markets over the past decade, we are looking at a challenge that has presented opportunities for Canada's financial services industry and continuing challenges for government.

The four financial pillars are governed by a myriad of federal and provincial legislation. Over the summer, many of us watched the activities of just the Insurance Brokers Association of Ontario as it tried to present its concerns before the House of Commons finance committee chaired by Mr. Blenkarn. As the other activities came to the light of the public over the summer months with regard to the selling of insurance by banks, we know that the public indeed needs our help in coming to some solution, given these changes.

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Under a series of decisions at both levels of government, the structure of Canada's financial industry has changed dramatically, more quickly than legislation has been able to respond. Canada's banks are now owners of brokerage firms, and insurance and trust companies are being forged into financial conglomerates often owned by nonfinancial companies. The system has certainly taken a different road.

Before deregulation, the four pillars were restricted to their core business, and cross-ownerships, of course, were not permitted. As the different institutions' product lines merge, the federal and provincial governments clash over who should regulate what. We should be taking a very strong position on this deregulation—or reregulation, as some prefer to call it.

The matter is of special importance to Ontario, Quebec and British Columbia, homes to Canada's largest financial markets. Approximately 65 per cent of Canada's savings deposits come from Ontario.

Speaking in the *Globe and Mail* on 20 March 1989 about Ontario's patchwork of rules and regulations governing its financial sector, Ontario's Deputy Minister of Financial Institutions, Robert Simpson, said, "When you make sense of all this, give me a call." How cryptic. There are

conflicting and overlapping rules which are leading to inefficiencies in the system and reducing the abilities of companies to compete internationally.

For example, Quebec charter firms operating in Ontario cannot buy commercial companies, lend money to affiliates or buy affiliates' shares even though Quebec laws allow such transactions. And the stage goes on.

Continued efforts are needed to better harmonize the approaches of the federal and provincial governments and their supervisory bodies to a broad range of issues in the financial sector, issues such as ownership of financial institutions, conflict-of-interest rules, ethical standards, and levels of adequacy to protect institutions and their depositors.

The Economic Council of Canada has urged the federal and provincial governments to harmonize rules and establish minimum regulatory standards for all financial institutions, and I underline minimum. The council proposed a system similar to Europe's 1992 open-borders plan where nations can agree on minimum standards on issues such as solvency but also mutually recognize each other's rules and differences.

It is really important, as we get into new, meaningful legislation, that we do not make it more difficult for Canadians and Ontarians to be competitive.

In securities regulation, there could be a national framework on standards for capital adequacy, disclosure, prospectuses and other matters. And as mentioned in the resolution of the member for Durham Centre, banks are very eager to enter the field of marketing insurance products in Ontario.

I will refer back to my opening comments as we talked about the events from 17 May right up until the end of June. The Toronto-Dominion Bank announced in March, of course, its plans for a joint venture with the Simcoe and Erie General Insurance Co to market home owners' products to the bank's customers, something new in Ontario, something that the consumer was not aware could be supportive or not supportive with regard to conflicts of interest down the road with their own finances. And in May, the Bank of Nova Scotia announced a joint venture with the Canada Life Assurance Co to mass market home owners' products to the bank's customers.

Of course, those involved, such as the Insurance Brokers Association of Ontario, have made their voices heard, I think, in a very responsible manner as they face the challenges of

trying to influence the government of Canada. I think that subsequently they will have an opportunity, before any legislation can be introduced, to be part of a very extensive review of the Ontario legislation.

Our existing insurance legislation has not undergone substantive review in quite a number of years. The Guardall and Coulter insurance fiascos are a sign of underlying problems in Ontario's regulation of the insurance industry. We have innocent victims, who are called consumers, because we do not have legislation in place to protect the people we represent.

In closing, a review of the statutes with respect to consumer protection and fair competition provisions is long overdue, and the Progressive Conservative Party will in fact be supporting the resolution of the member for Durham Centre this morning.

**Mr J. B. Nixon:** I too would like to congratulate the member for Durham Centre, as I know him. He has brought a resolution to this chamber which I think is important and relevant and which deals with very significant issues.

The matter of legislation governing insurance companies is important to every consumer in Ontario. Unfortunately, in Ontario, the legislation which companies and consumers must deal with was written in the 1940s; indeed, some of it goes back to the previous century. In fact, I can tell you that federal laws are just as antiquated, just as out of date. Business pays millions to comply with outdated federal financial acts. The 57-year-old insurance act in Ottawa requires companies to keep their records on paper. The same act does not allow boards of directors to conduct meetings by way of telephone. So in fact we are dealing with out-of-date legislation not just in Ontario but in Canada.

The fact is, the legislation does not reflect the modern day realities of corporate law, it does not reflect the modern day realities of global markets and it does not reflect the realities of the revolution that is taking place in our capital markets.

In the past, the capital markets and financial institutions have been orderly, structured; they have been compartmentalized; they have been heavily regulated; and they have been protected against overlap and intrusion by foreign owners. Rules were erected to protect domestic companies within each of the four separate pillars. The banks were restricted to deposit-taking and lending; trust companies were restricted to fiduciary activities; the insurance industry was restricted to offering insurance protection; and

finally, securities dealers, the fourth pillar, were restricted to underwriting and securities trading.

In fact, what is happening today is a revolution in the financial markets. The four pillars are merging. Many say the four pillars are crumbling. For instance, in Ontario and Canada, banks can now own securities dealers, and they are taking up that opportunity. Insurance companies can now own securities dealers and, for whatever reason, they have not taken up that opportunity. There are many other examples.

One of the attractive attributes of this merging of the pillars, the crumbling of the pillars, that is promised to us as consumers is the opportunity for one-stop shopping, where we can buy our securities and our insurance, we can do our banking and our trust activities in one shop, under one roof. In fact, the market is leading in this respect. Large financial groupings are being built in the United States. Prudential-Bache and American Express are one example, Aetna is another example. In Canada, Trilon Financial Corp and the Laurentian Group Corp in Quebec are taking up that opportunity to offer one-stop financial shopping.

The deregulation and the merger of these four pillars none the less is being driven by the industry. There is very little evidence that there is consumer demand and that the deregulation and the new ways of offering services are being driven by consumer demand.

So we have this deregulation and merging of the four pillars occurring. At the same time, the regional and local markets in the financial institutions industry are being subsumed into one global market. The globalization of the financial markets is being fuelled by developments in electronic communications, computerization, interlisted securities, interlinks between markets and securities markets, investment mobility—capital can move just about anywhere on this planet now—and incredible surplus imbalances between countries, Japan being a good example.

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The net result is that we have got a global market of one-stop financial offerings. What does this all mean, and has the industry benefited from the partial deregulation which has occurred to date and the merger of the four pillars? I suggest that the benefits may not have been as great as they were thought to be.

For instance, look at the federal scene after three major policy proposals, a set of draft legislation and five national studies. One remembers Barb McDougall's green paper and Tom Hockin's blue paper and the papers that went on



and on, and draft legislation that has been put before us with the goal of breaking down the barriers among banks, trusts, insurance and securities companies in order to bring them up to date with the global market, planning to give consumers more competition and convenience of multiple financial services under one roof. Very little evidence of that reality is available on the street for consumers.

In fact, after all the studies and the draft legislation, very little change has taken place at the federal level, partially because the government has been changing its mind so often. Key issues of corporate concentration, commercial linkages and who will sell insurance have not been answered at the federal level where the leadership on this issue should be. For consumers, the regulatory morass renders a complex industry even more complex. For the industry, I think it is fair to quote Tom Di Giacomo, president and chief executive officer of Manufacturers Life Insurance. When he talks about deregulation, his comment is simply, "It's a mess." The state of deregulation is at best in limbo and at worst in chaos.

I suggest to members that so far the industry has not benefited from partial deregulation. I next ask, "Has the consumer benefited?" I think I have already indicated my bias. The consumer has no apparent benefit to date. None the less, important issues are being raised, questions like who should sell insurance. Should the banks sell insurance or should the brokers sell insurance? I suggest that we have to think about whether banks should be selling insurance, because banks have never sold insurance before. They do not know the insurance product. They do not know what advice should be given to a consumer. They may have a valid argument, but we have to answer the question first and we have to be concerned about the interests of the consumer.

In any event, the deregulation that is taking place has produced a regulatory quagmire, creating a very perplexing, complex financial system with different rules in different provinces. Quebec rules on ownership and corporate practices for insurance companies vary greatly from Ontario's, as do the rules in British Columbia and in Ottawa. There is no harmony. What this means is between provinces and between businesses that carry on business in different provinces there is incredible confusion as to who can do what, who cannot do what and what these institutions should be doing.

The bottom line is that the consumer is not being well served at this point. For that reason, I

urge the government of Ontario to get on with the review of the insurance legislation. I agree with the motion of the member for Durham Centre. I urge everyone in this house to support it.

**The Deputy Speaker:** The official opposition having used up all of its 15-minute period, and seeing no member of the third party present to speak, the rotation will then proceed to the member for Guelph.

**Mr Ferraro:** Somebody asked me when this session started what I thought it was going to be like. I said, "Well, from the Liberal government's point of view, we want to adopt the Blue Jays philosophy." He said, "What's that?" I said, "Well, we're going to try to remain hitless in crucial situations."

I would say to my good friend the member for Durham Centre, who brought forward this motion, that keeping in line with that philosophy, if he was a pitcher for the Blue Jays, he just threw the NDP a lob and the Rickey Hendersons over there took a good cut at it.

All one has to do is mention the word "insurance" and members of the opposition—and I do not blame them quite frankly—will seize the opportunity and talk almost entirely on auto insurance. I will refrain from making any comment about their position vis-à-vis auto insurance and the position of Rickey Henderson from the Oakland Athletics by saying that they do not necessarily both exist in left field, but close.

History may be made today as well in that this may be the only time this session where we may have a unanimous vote on an issue dealing with the word "insurance."

But to get to the point of the member for Durham Centre's motion, and I think it is an important one, it is essentially a much-needed and good resolution. I will refrain from dealing essentially just with auto insurance because the motion itself is dealing with the insurance industry in general, and as commented by the member for York Mills (Mr J. B. Nixon) and others, the whole atmosphere or environment of financial institutions—insurance companies certainly are included, being one of the largest pillars—is changing dramatically.

I might say that the government recognized initially that the dependence upon the government to oversee insurance companies, trust companies, the stock exchange, credit unions and so forth is much more demanding. For that reason, I might point out, this government created a separate ministry. That of course is the ministry I am involved with under the capable



leadership of the member for Bruce (Mr Elston), and it is the Ministry of Financial Institutions.

There is no question, for the benefit of some people who might not know this, that there are 558 insurance companies that do business in our province, and like trust companies, if you are going to do business in Canada or Ontario, you can be either federally incorporated or provincially incorporated. Of the 558 insurance companies that are doing business in Ontario, approximately 100 of them are provincially incorporated; what that means, of course, is essentially the place you go to in order to get a licence so you can do business.

There are reciprocal agreements, I might point out. If you are federally incorporated, you can do business in any province. If you are provincially incorporated you essentially start doing business, in this case in Ontario, and there are reciprocal agreements whereby you can do business in other provinces. There is a lot of day-to-day interaction, not only between federal and provincial regulatory authorities, financial institution ministries and so forth but also between the provincial institutions.

There is no question, it is very difficult to come up with standards, if you will, and to do away with some of the red tape, if you will. It has been obvious to the ministry that we have to do something in this regard. As we know, the Insurance Act has not been changed in 50 years. The ministry has created, for the first time to my knowledge, a project review team. There are approximately 12 people in the ministry now who essentially devote most of their time to updating and looking at updating the Insurance Act.

Some people will say, "Well, how come it takes so long that you have to wait 50 years and indeed you have to develop your own project review team?"

I would point out that there has been some change in regulation. For example, we have dealt with and are dealing with issues now dealing with auto insurance. We have dealt with some issues pertaining to life and health and casualty regulation, but we have done it essentially on a need basis, and that is just the reality that politicians have to deal with. When there is a problem in the auto insurance industry, we as politicians have to do what we do best, and hopefully that is to regulate and look after the general good of the public we represent.

We have this group that is actively and, I might point out, very capably looking at the situation. We anticipate that we will have next year, I might

point out, a consultation paper on changes to the insurance industry. Indeed, those people interested in this particular area can look forward to that.

#### 1050

I want to emphasize again that our main concern is dealing with consumer protection, as alluded to by other speakers; we are concerned indeed about the marketing practices of insurance companies. Certainly there is going to be much discussion as to whether or not insurance companies and/or in the context of banks changing their mandate, if you will, and client services, there will be a lot of discussion in that regard. I should also point out that another area of significant concern for the ministry is one of corporate governance. In essence, we have to modernize and update our regulatory control over the insurance companies.

I commend the member for Durham Centre for his motion. I think it is timely. I think it was long overdue. I only say, as a friend and colleague of his, we will look forward with anticipation to his involvement in those discussions.

**The Deputy Speaker:** I repeat, as the official opposition has used up its 15-minute period and there are no members of the third party wanting to complete their 15-minute allocation and the 15-minute period for the government party is completed, we shall now proceed with a windup from the member who moved the resolution.

**Mr Furlong:** First, I would like to thank the members who spoke in support of this resolution: the member for Welland-Thorold (Mr Kormos), the member for London North (Mrs Cunningham), the member for York Mills and the member for Guelph (Mr Ferraro). I cannot say that I was surprised that the member for Welland-Thorold would devote most of his time to auto insurance—perhaps it was a lob, as my friend from Guelph indicated—but I would like to thank the members for their thoughtful consideration and participation in this debate.

I believe that the Minister of Financial Institutions (Mr Elston) should embark on this comprehensive review to pay particular attention to the issues that I raised previously and to some other issues that I did not have time to mention, such as simplification of insurance contracts, federal-provincial jurisdictional issues and, last but not least, the potential impact of the free trade agreement.

I believe that the review is necessary. I believe that only with the review will we ensure consumer protection. At the same time, I am mindful of the fact that our insurance companies

must be competitive in the marketing of their insurance products but, as I have mentioned before, I do not think that it should be to the detriment of those who support these industries by purchasing their products.

As we have indicated, with the banks getting involved in the insurance industry, if that regulation is not in place, then as I mentioned before, I fear for such things as conflict of interest and confidentiality of information. If the banks get into auto insurance, what if they get into auto leasing; what conflicts would come out of that?

I believe the review is timely. I am glad to hear that the ministry is working towards this goal, and I certainly hope that it will be concluded within a very short time.

**The Deputy Speaker:** This completes the discussion for the first ballot item.

#### ONTARIO ENERGY BOARD AMENDMENT ACT, 1989

Mr Charlton moved second reading of Bill 59, An Act to amend the Ontario Energy Board Act.

**The Deputy Speaker:** According to this new standing order 94(c)(i), the member has 10 minutes to make his presentation.

**Mr Charlton:** It is a pleasure once again to participate in the private members' process here in the House, but I have to say right at the outset that it is somewhat frustrating to be dealing in October 1989 with the same bill that I debated here in the House last 24 November, a bill which was defeated by the government members on the basis that the minister, in very short order, was going to be bringing in a comprehensive package of amendments to the Power Corporation Act, the Ontario Energy Board Act and a number of other pieces of legislation dealing with the operations of Ontario Hydro and that comprehensive package has not materialized from this government a full year later.

I want to take a moment to emphasize the frustration that I feel because this is not just one year we are talking about since last November when we last debated my bill. It is, in fact, three years and four months of delay and dithering on the part of the government. It was July 1986 when the select committee tabled its report here in this House, a report that contained a number of recommendations, supported unanimously by the members of that select committee from all three parties.

During the debate last November I read into the record a number of those recommendations that dealt specifically with the piece of legislation

I had brought forward. I am not going to take the time of this House to read those recommendations into the record again. Suffice it to say that those recommendations were carefully considered by the select committee after extensive testimony over a number of months in the spring of 1986 from expert witnesses who were brought in from all over the continent, expert witnesses who have experience in the matters at hand that do not exist here in the province of Ontario.

Bill 59, as this bill is known this year, was known last year as Bill 184, and it had another number the year before. A full year after the select committee report was tabled, having given the government one year to come forward with its position on those recommendations, I introduced my first version of this bill. A year later I introduced Bill 184, which we debated last fall. This year, unfortunately, I have found it necessary to reintroduce this bill yet again, because we still have not seen the comprehensive package from the government and from the Minister of Energy (Mrs McLeod).

This bill is a bill that is designed to do what the government says it wants to do, to make Ontario Hydro more accountable, to open up Ontario Hydro processes to public review and to bring Hydro processes more closely under government control and regulation. This bill proposes to change the Ontario Energy Board Act to give the board the authority, first of all, to regulate Hydro's rate-setting. Presently, each year the Ontario Energy Board reviews Hydro's rate proposals for the coming year, and each year the Ontario Energy Board makes a series of recommendations to the government. It is interesting to note that the vast majority of the recommendations that the Ontario Energy Board makes are never complied with because they are simply recommendations; they do not have the authority to regulate.

Members of the House understand that Ontario Hydro's rate structure is a rate structure that has been a matter of controversy in this province for some 20 or 25 years now. It is in fact a rate structure that imposes counterincentives to those that we profess should be in place. The rate structure of Ontario Hydro does not promote energy conservation in the province but in fact promotes energy waste. It forces those who use the least electricity to pay the highest rate and those who use the most electricity to pay the lowest rate.

This government has professed its desire to put in place programs to deal with the promotion of energy efficiency. One of the programs that



could first and best be put into place is a serious alteration of the Ontario Hydro rate structure to promote energy efficiency in the province.

#### 1100

The bill goes on to suggest that it is time as well that we had review mechanisms in place in Ontario to look at matters other than just the rate structure, which the Ontario Energy Board now does, other matters being the relationship between demand and supply of electricity and the options around demand and supply questions.

Those are issues that deal with all the topics that have been current and controversial in the electrical energy sector, issues like energy conservation; energy efficiency; private parallel generation by small and medium generators across the province where that is economically viable and feasible; industrial cogeneration where industries are already consuming large amounts of very valuable and sometimes even polluting energy sources in their industrial process, but where there are all kinds of waste heat losses involved that could be used to generate steam and electricity with that steam.

There is the need to look at matters around Hydro's short-term and long-term planning, around questions like whether or not the massive capital investments Ontario Hydro has been making over the last 20 years, and will soon be proposing to make over the next 20 years, in large capital-intensive structures like the Darlington nuclear plant are in fact the cheapest, the environmentally soundest, the most socially appropriate and most economically viable approaches to fulfilling our electrical energy needs in the province of Ontario in the near-term future.

During the course of the debate last year, there were two government members who spoke to Bill 184, which was the bill that parallels this one in its past life. I want to make a couple of comments quickly about changes I have made in this year's bill, changes that do not change either the intent or the scope of the bill, but that will hopefully make this bill a little more understandable to some of the backbenchers on the government side of this House, since their comments last year seemed to indicate they did not understand what the scope or intent of the bill was.

Members will notice in section 1 of this year's bill, Bill 59, a section that amends section 13 of the Ontario Energy Board Act. In subsections 13(7) and 13(8), I have changed the words. Subsection 7 now reads, "The board has the power to investigate electricity demand and supply options, short- and long-term planning

criteria, avoided costs and the adequacy of supply from sources from outside Ontario."

Those words have replaced some very legalistic words in last year's version with words that, I guess, reflect the jargon in the energy sector in 1989. They do not change at all the reality of this bill or its scope, but perhaps hopefully members can better understand that this bill is a bill whose time has come. We are running out of time in terms of making the decisions around the mechanisms that the government says it wants to control Hydro.

I will have further comments during the rotation.

**Mrs Cunningham:** For the second time this morning, I find myself rising in support, in support of Bill 59 and the member for Hamilton Mountain (Mr Charlton). Off the top and looking at the history around the efforts of the member for Hamilton Mountain, I certainly congratulate him and recognize his perseverance and his commitment. I think this bill to amend the Ontario Energy Board Act is long overdue.

Looking over the statements that have been made by my colleagues, who are not able to be here this morning, the member for Durham East (Mr Cureatz) and the member for Leeds-Grenville (Mr Runciman), they would of course very strongly support Bill 59 if they were able to be here.

I can only say, in looking over the select committee's recommendations in 1986, that they clearly supported recommendations the member has incorporated in his bill. I want to say that giving the energy board the power to set the rates would be an effective mechanism to establish public control over Ontario Hydro, as it would, and I will quote from the report, "establish control over Ontario Hydro's costs, provide a check against the power of Ontario Hydro's board of directors to establish capital budgets, and to co-ordinate the planning and decision-making linking the critical functions of planning and rate review."

There is no question of what is needed with regard to Ontario Hydro. In the eyes of the public and the people who have spoken to us in our office in London North, and certainly in my colleague's office, they have brought to our attention that they are very concerned about the very large bureaucracy and that the government seems to be having a very difficult time coming to grips with the operation of Ontario Hydro.

When we take a look at the issue of debt management, approximately 50 per cent of Ontario Hydro's revenues are now going to



service debt. It does not seem to be a problem as far as management is concerned, and that is of concern to us. It does not seem to be a problem in terms of the impact on the province's credit rating, obviously, simply because they are guaranteed payment by the province, and that of course should be of great concern for the citizens of Ontario.

We are not going to take a long time speaking to this bill this morning because we have been on record so many times in supporting these amendments. I can only say that I think the changes the member made with regard to the wording in subsection 13(7) and subsection 13(8) make his former bill even more inclusive. When we take a look at the board having "the power to investigate electricity demand and supply options, short- and long-term planning criteria, avoided costs and the adequacy of supply from sources from outside Ontario," we are taking a look at just what we think our responsibility should be in representing the public of Ontario and making that particular institution—I will call it that—more accountable to the public for what it does with our money.

We take a look at the investigations under subsection 7 and the idea or the responsibility, if this act should become law, that the investigation should be reported to the minister with recommendations. I think the member for Hamilton Mountain has strengthened the former bill which he presented in June 1987, Bill 101, and I think that section strengthens the intent of the member. We support it strongly.

Subsection 35(1) of the said act is being amended by "authorizing and requiring the board to fix rates pursuant to a public hearing held under section 37 and prescribing the conditions and circumstances when the board shall fix rates pursuant to a public hearing." It is not only responsible but necessary.

In the view of our party, we think far too many investigations, far too many private consultant reports, far too many recommendations on rates have been provided at the expense of the taxpayers of Ontario. Ontario Hydro has not taken the recommendations of those commissions, sometimes at tremendous expense, and of persons who have come to us and done the work and who are tremendously credible.

Certainly, we think this bill will make Ontario Hydro more accountable to the public and we think we can go back to the public we represent, given this kind of legislation, and say that we ourselves have taken the responsibility we should have taken very many years ago.

It is with commendation for the member for Hamilton Mountain for his perseverance and commitment that on behalf of the Conservatives I offer our remarks on this debate.

#### 1110

**Mr Lipsett:** It is a pleasure for me to take part in this debate during private members' public business this morning. I would like to begin by thanking the member for Hamilton Mountain for the continuing interest he has shown in energy matters.

Ontario's energy future is a matter of great public interest and we are considering all ideas that will help us to diversify our supplies of energy, increase our energy efficiency and our ability to conserve energy, and deal with the increased demand for electricity in today's society. The Ontario Energy Board may well have a greater role to play in future in some of these areas. I would like to begin my remarks by reminding the members of this House of the present powers and duties of the OEB.

The board has jurisdiction in a number of areas. It has played a particularly high-profile role in dealing with questions about natural gas and has the power to review many energy-related questions. It also plays an advisory role that can be quite extensive on many matters relating to energy. For example, in 1988 the board conducted public hearings and reported to the government on the matter of natural gas supply to Ontario.

The Ontario Energy Board Act defines the composition and duties of the OEB and the procedures to be followed by it. The act also gives the board jurisdiction that includes fixing rates for the sale, distribution, transmission and storage of natural gas. The board also has authority to deal with underground storage of gas, with certain aspects of the costs of drilling for gas and oil and the benefits of gas and oil production. Those are the main areas in which the OEB has jurisdiction.

In its advisory role, the board provides advice on the boring, drilling or deepening of wells in natural gas storage areas. The OEB also has an advisory role to play in examining and reporting on Ontario Hydro matters that are referred to it by the Minister of Energy. Such matters include Ontario Hydro's existing or proposed rates and principles for power costing, service reliability and system expansion. The OEB holds public hearings in conducting any such review. It is also of pertinent interest that the OEB examines and reports on any energy question the government may refer to it.

Over the past few years, there has been increasing interest in amending parts of the Ontario Energy Board Act. The developments that have encouraged the government to look at possible amendments to the act have included changes in utility ownership, the transition to a deregulated natural gas market and concern over Ontario Hydro's responsiveness to public attitudes and priorities. In fact, in October 1986 the Minister of Energy introduced a bill to amend the act. That bill died when the Legislature was prorogued in 1987 and the ministry is now reviewing the entire act.

Currently, the OEB has a review and advisory role in the setting of Hydro's wholesale rates. There are options for strengthening that role, some of them requiring amendments to both the Power Corporation Act and the Ontario Energy Board Act. I would like to remind the House that this government already is making changes to some legislation. The Power Corporation Act is being amended to give the government the power to obtain plans and reports from Ontario Hydro. This, together with the memorandum of understanding with Ontario Hydro, would enable the government to be apprised of Ontario Hydro's activities in relation to system planning, operational plans and programs for meeting objectives of parallel generation and conservation.

The government has also made a commitment to have a public review of Ontario Hydro's demand-supply plan. We hope the member for Hamilton Mountain will use that opportunity to present his views on the planning options.

Finally, the Ministry of Energy has established a policy for parallel generation of electricity. A key aspect of this has to do with Ontario Hydro's avoided costs and the government is committed to a review of the criteria and methodology for determining these costs. Such a review will provide for input by interested parties and by the public at large.

Once again, I would like to thank the member for putting forward his ideas and point out that I would like to get as much public discussion and public comment as possible on all aspects of Ontario's energy policy before we move forward with specific amendments to the Ontario Energy Board Act. Let us first conduct an extensive review of the jurisdiction and advisory roles of the OEB and then develop a comprehensive plan that meets the needs of the future.

Therefore, I will not be supporting second reading of Bill 59 in the House today.

**The Acting Speaker (Mr Breagh):** Further debate? The member for Etobicoke-Lakeshore.

**Mrs Grier:** Thank you, Mr Speaker. Let me congratulate you on the elevation you have achieved. I am sure it will be exercised impartially and with dignity.

**Mr Pelissero:** That's right. He didn't give Sam's speech.

**Mrs Grier:** Oh, is that Sam's speech?

**An hon member:** When you said "elevation," were you talking about his feet?

**Mrs Grier:** No, I will leave the word "elevation" and let members interpret it as they will.

To the matter at hand, I was disappointed in the conclusion of the remarks by the member for Grey (Mr Lipsett) that he was not going to support this piece of legislation that is before us today, before us not for the first time. I take from his remarks that what we are faced with is another extensive period of review, examination and study before we have any prospects of getting to some action on amendments to the Ontario Energy Board Act.

The member was of course correct in his enunciation of what the act does and the control that the Ontario Energy Board has over the natural gas sector of our energy supply system. I do not think he emphasized quite enough that while the board could have some power over Hydro, that is conditional upon matters being referred to it by the government. We have not seen any indication that the government is prepared to refer to the OEB matters of substance such as DSPS, which we have said some time ago ought to be reviewed by the Ontario Energy Board.

It is interesting that of course, while in opposition, the Liberal Party supported making Hydro accountable, supported bringing it before the Ontario Energy Board and indicated that bringing Hydro under control was going to be a first priority of that government. Now we find ourselves, almost five years later, still talking about more study and an in-depth review being needed before we can make any changes.

There has been study, in-depth review and legislative committees, all of which have said that the kinds of changes the member for Hamilton Mountain is proposing in his bill are long overdue and ought to be put in place. There has even been agreement by government members on those committees that those changes were needed, because the reports of the select committees have been unanimously agreed to.

In fact, when the second select committee under this government was reviewing Hydro's DSPS, we asked for an update of progress on



implementation of the recommendations of the previous select committee. It is interesting to find that in those recommendations concerning the Ontario Energy Board, the progress reports we got all said that the matters were being considered and that amendments to the Ontario Energy Board Act were being planned. We have not yet seen those amendments.

One of those recommendations was that the Ontario Energy Board should be empowered to hold biannual public reviews of Ontario Hydro's resource development plan and publish a public report with recommendations to cabinet. The select committee last year was told that this matter may be considered in the Ministry of Energy's review of the Power Corporation Act and the Ontario Energy Board Act. We are still waiting.

#### 1120

Recommendation 17 of that original select committee said: "The Ontario Energy Board should conduct a public review of the results of Ontario Hydro's demand and supply options study. This review should take place at least 60 days after a final report on the options and all supporting documents have been issued. Recommendations should be made to cabinet in a public report." "Being reviewed" was the response that we got in 1989.

A further recommendation with respect to the Ontario Energy Board was that the Ontario Energy Board Act should be amended to give the board the powers to regulate electricity rates. The response we got last year was that the matter could be addressed in the Ministry of Energy's review of the Ontario Energy Board Act.

So what we constantly get is delay, more study: "We're looking at it, but the time for action is not yet." Regrettably, what we also find is that we appear to be having the same kind of rotation of ministers of Energy under this government as we found of ministers of the Environment under the previous government. Every time a Minister of Energy comes up to speed and may perhaps begin to understand the very complex issues involved in power planning, there is a cabinet shuffle and a new Minister of Energy and the process has to start all over again.

The member for Grey has just mentioned the fact that the government is, as he puts it, "committed to a review" of the avoided costs, a very critical element in making decisions about the future role of Ontario Hydro, but the previous Minister of Energy promised last spring that that review would be done this fall.

There was no indication in the remarks we have heard today of what the criteria for that review will be, what the mechanism for that review will be, or when we can get on with that particular review. All of this leads me, as I say, to the conclusion that this government is very reluctant to come to grips with putting Ontario Hydro under control, with putting in place a publicly respected mechanism in which the public can have some confidence, where the affairs of Ontario Hydro will be subjected to cross-examination in a rigorous process that gives us all some sense that the recommendations are ones that are not done based on the data supplied by Ontario Hydro itself.

That has been one of the most difficult features of trying to come to grips with Ontario Hydro's planning: All the data are controlled by Ontario Hydro. There is no independent agency that has the resources to adequately review the submissions that Ontario Hydro makes to the government. The Ministry of Energy acknowledges that it does not have that expertise. The Ontario Energy Board would be a very good repository of that kind of data, if it were only allowed by this government to get further into the business of reviewing Ontario Hydro, reviewing Ontario Hydro's rates, reviewing Ontario Hydro's planning and subjecting Ontario Hydro to very critical and independent evaluation.

That is what the piece of legislation before us today would enable the Ontario Energy Board to do. I think it is very appropriate that the member for Hamilton Mountain has updated this piece of legislation so that it says very specifically and very clearly what we want the board to do.

I hope that the attitude that is being displayed in this debate today, and the fact that there seems to be at this point no indication of a willingness to move forward in this very critical area of public policy, is an attitude that will quickly change and that we can at last do what the Liberal Party said so many times it wanted to do, if only it was given the power by the people of this province; that is, to bring Ontario Hydro under the firm control of the Legislature and of the government. That day is not as far ahead as it seems to be from the remarks of the member for Grey and the attitude of the current Minister of Energy.

**Mr J. M. Johnson:** I rise to lend my support to the bill presented by the member for Hamilton Mountain.

The purpose of the bill is to give the Ontario Energy Board additional powers to regulate electricity rates and to investigate matters such as demand and supply options, short- and long-term



planning and avoided costs. I think we should all support that type of initiative, because for many years it has been quite apparent that there seems to be a very serious problem between the Ontario Energy Board and Ontario Hydro in resolving some of the outstanding issues, such as setting of rates, etc. I think the bill presented by the member will lend accountability and credibility to the process and help to ensure that the customers are better served by this very giant corporation. I think many members on all sides of this House have expressed concern for many years that Ontario Hydro was so large and extensive that it is extremely hard to control this giant corporation.

In conclusion, the Ontario Energy Board's report on the proposed rate increase for 1989 stated that what is required is a firm and clear statement by the government of Ontario of its policy with respect to Hydro. I think that is one matter that could be cleared up and, as I mentioned earlier, made more accountable by the passage of Bill 59.

If the government is not prepared to accept Bill 59, then I submit that it should certainly look at accepting the principle of the bill and bringing in amendments of a similar nature that would achieve the same purpose. I am sure the member who has introduced this bill would be quite prepared to accept some suitable amendments, as he has been presenting a similar piece of legislation for the past several years and quite likely will have to continue to do so for the foreseeable future unless the government will change its mind.

At this time, Mr Speaker, I would just like to take a brief moment to congratulate you on your new office. I know you will perform it with the highest priority for the benefit of the members you serve so well.

**The Acting Speaker:** Thank you. Further debate on the bill?

**Mrs Sullivan:** I welcome the intervention of the member for Hamilton Mountain and his proposals on the role of the Ontario Energy Board which he has put forward in Bill 59. Indeed, I am glad to see it in the Orders and Notices paper so early in the session.

The member has been a diligent and effective member of the select committee on energy. During my short time on that committee, I have noted his participation, and certainly before my period on that committee.

When I first began to attend meetings of the select committee, I discovered I had to learn a new language, a special shorthand and jargon

that included peaks, which I discovered had nothing to do with mountains; load forecasts, which had nothing to do with trucking; end-use models, which had nothing to do with landfill sites; and cogeneration, which had nothing to do with family gatherings. The member was, of course, familiar with all of these issues, as well as the jargon, and he may have found it frustrating for the newer members such as myself, along with many others, to catch up. But indeed we did catch up and we came to our own individual assessments, if not conclusions, relatively quickly.

Last summer, the select committee reviewed the DSPS, the proposals for a demand/supply planning strategy for Ontario Hydro into the next century. The conclusions of the committee relating to that review have been placed before the House. Our emphases, I should underline, were on conservation and efficiency, environmental protection and keeping our supply options open. I certainly found that period of last summer to be an enervating time with the serious issues and choices and questions being clearly delineated.

Some of our discussions during that period included Hydro's reporting-consultative roles and its accountability for its performance and its decisions. That really is the heart of this bill. I notice, and the member has indeed mentioned in his remarks, that this bill differs from his two earlier bills on the same general areas relating to the Ontario Energy Board. Frankly, I feel that the changes in Bill 59, as compared to those in Bill 101, are indeed significant.

### 1130

Bill 101 suggests that the board should be able to investigate the capacity reserve margins and other liability criteria and the adequacy of supply from sources outside Ontario. The new bill would provide broader scope and more authority to the OEB in giving it "the power to investigate electricity demand and supply options, short- and long-term planning criteria, avoided costs and the adequacy of supply from sources outside Ontario." I think there is a substantial difference, and the proposals really do require a major public debate that is not a matter of short-term debate, which has been suggested.

It strikes me that since last summer, when the committee was working diligently on the DSPS review, many changes have been made and will be soon made as a result of changes that have been put forward in Bill 204 since our deliberations of last year. Bill 204, which has just completed the committee stage, brings forward

significant amendments to the Power Corporation Act and entrenches a memorandum of understanding between Ontario Hydro and the government. Those Power Corporation Act amendments will bring a refreshing change to Ontario Hydro/government relations, I believe.

No minister should again be able to complain that he has been mugged in the corridors of power, and I think that if a minister could make that complaint, then it is clearly the political will in this House to make future changes. I believe that the situation we have today, partly as a result of this government's action, is a far cry from the days of Adam Beck, who I understand was quoted on his deathbed as saying: "I had hoped to live to forge a band of iron around Hydro to prevent its destruction by politicians. Watch what they do when I'm gone."

I think we should look at some of the initiatives that this government has taken. I remind members about the Dr Kenneth Hare commission report reviewing the safety aspects of Ontario Hydro's nuclear program. That was released publicly and Dr Hare appeared before our committee. Additionally, there has been a technical panel with independent expertise from Canada, the United States and France examining Canada's Candu nuclear cost estimates, and that report was released publicly. A technical panel has scrutinized the demand/supply planning strategy, which has also been reviewed by an interministerial committee, and those reports as well were scrutinized by the select committee on energy.

The Ministry of Energy has introduced an advisory panel on parallel generation that is working away diligently. The Power Corporation Act amendments, which I have discussed, present a new government-Hydro relationship. We will all remember the introduction of the Energy Efficiency Act by the then Minister of Energy, the member for Fort York (Mr Wong). The regulations are now being drawn by people who know their fields, who know what is possible, what is achievable and what should be achievable.

The government has adopted a "conservation first" policy, and I want to remind the House that the member for Fort York, when he was Minister of Energy, was not prepared to accept Ontario Hydro energy efficiency and parallel generation targets. Hydro said that 5,500 megawatts was available. The member for Fort York said they could do better and they have been instructed to find more savings there.

We have a commitment that is public to review the avoided cost and buyback rates and we expect an announcement—I certainly am expecting an announcement—on the nature of that review very shortly. The Ontario Energy Board role is being reviewed now in a regulatory framework, and this government is prepared to adjust as necessary.

I think we are all aware of the need for public attitude changes regarding conservation of energy. We have seen public opinion surveys and I am pleased to see some initial steps by Ontario Hydro being taken in joint ventures, in energy audits and in advertising and promotion to ensure that the public is well aware of our conservation needs and targets. There has been much action in a relatively short period of time.

We know that Ontario Hydro's preferred plan is due this fall. We will expect a thorough review of the technical, social and environmental aspects of that plan. That review will include a public review, a review by experts and a review in the Legislature. I am hoping it will include an additional review in the select committee.

We have seen changes in the words and the action of accountability. I believe that the bill of the member for Hamilton Mountain is a useful intervention. I think that we need more dialogue and consultation, particularly in relation to the preferred plans which are going to be before us this fall. I think the government has had a commitment to position Ontario Hydro to respond effectively to the current realities and to new and evolving government and legislative priorities. I think we have work to do as legislators and I am pleased to be able to do it in the context of the select committee.

**Mr Charlton:** It seems to me there is somewhat of an echo here in the House. It would appear that not only my own comments are probably an echo of things that have been said here in the past but that the response from the government is a very clear echo as well. I would like to pick up on the comments from the member for Halton Centre (Mrs Sullivan) and the member for Grey, and by way of perhaps using some quotes from the government members who spoke in last year's debate, make the point of the extent of the echo that is happening here.

Let me start out by saying to the member for Halton Centre that this bill does not advocate a short-term review. The review has been under way for three and a half years now in terms of the government's position on amendments to the Ontario Energy Board Act, or at least that is what we have been told by successive ministers of



Energy in Ontario. According to the parliamentary assistant and the member for Halton Centre, that review is still ongoing, but we are running out of time.

We all know what the legislative process here in this chamber and the committees that are associated with this House are. The government has all the data and understanding of the situation that it needs. Either that is the case or they have not been straightforward with us in terms of the review that has been ongoing for the last three and a half years.

If it is passed today, this bill can be referred out to a committee. That committee has the authority to add the one dimension that supposedly has not happened yet in terms of the questions that are contained in this bill, and that is the whole public hearings process on the issue of regulation of Ontario Hydro and review of Ontario Hydro's planning processes. The government has spent three and a half years looking at the question and obviously is having some difficulty deciding what decisions are the appropriate decisions. Perhaps a public hearing process can help them to reach those conclusions, allowing the public of Ontario to have its say.

Last year, during the course of the debate on Bill 184, the member for Frontenac-Addington (Mr South), who was then the parliamentary assistant to the Minister of Energy, spoke first on that bill, as did the member for Grey, the new parliamentary assistant, this morning. I would like to quote for a moment from his comments here so that, as I suggested, we can perhaps begin to understand the extent of the echo that is happening here.

"This government wants Hydro to go further than it has indicated. To support this bill now, though, would be to thwart the extensive, methodical process this government has set in place. We would like the Legislature to review the comprehensive package that we will be bringing forward in the very near future. The goal of this package is to enshrine structural changes in Hydro's planning process and to make Hydro more receptive to government and to public concerns."

That was a year ago. The former parliamentary assistant, the member for Frontenac-Addington, stood in his place in this House last year and said precisely what the parliamentary assistant is telling us again this year.

#### 1140

The changes that are required to create a regulatory and review process around the operations of Ontario Hydro will be of little value for

the next 20 years if those changes are not in place before Hydro's preferred plan for the next 20 years is approved. We are all aware that that plan will be tabled this fall.

The former minister, the minister who was there at the start of this discussion and process, promised that the review of the question of avoided cost, for example, would happen this fall. We are running out of time on that question as well. But the avoided cost question is a question which has to be dealt with, resolved and answered because that fact, that information, has to be part of any review of Hydro's preferred plan if that review is going to mean anything.

The member for High Park-Swansea (Mr Fleet) was the second member to intervene on the government's behalf in the debate on my bill last year and I would like to quote from his speech as well.

"There are a number of problems with the resolution, but one of the things I would like to touch upon is what is not dealt with. The government wants to encourage Hydro to act as a powerful force for the economic good of Ontario. One of the key government priorities has been to encourage the people of Ontario to use electricity far more efficiently and to conserve electric power."

The member goes on to say, "As a result, Hydro set targets to conserve 35,000 megawatts of electric power by the turn of the century."

I want to say that the member for High Park-Swansea was seriously in error when he provided that information to the House. If Ontario Hydro had committed itself to 35,000 megawatts of energy savings in Ontario, then every energy advocate in this province would be jumping and screaming with great joy. The reality is that he was out by nine times; in other words, the real reality is that Hydro has committed itself to 10 per cent of what he quoted to this House last year: 3,500 megawatts, not 35,000.

This bill is designed to put in place a review mechanism to deal with the very kinds of issues that were raised by the member for High Park-Swansea. As I have said, the time has come for us to proceed and not to stall any longer.

I believe I have two minutes to wrap up now, Mr Speaker?

**The Speaker:** Is that correct? Two minutes. Yes.

**Mr Charlton:** As I have said, the bill is a bill that deals with issues that have been outstanding for some three and a half years now. The bill deals with issues that are crucial to the decision-



making that will go on over the next 18 to 24 months.

The government has had three and a half years to review these issues. If this bill were to pass second reading today, which I encourage all members to consider seriously, there is an opportunity in committee for full public hearings to deal with the questions around regulating and reviewing Hydro's processes. There is an opportunity for the government to put its position that flows out of its internal review, a review which it will not tell anybody anything about; but as I have said, a review, though, which is extremely crucial to the decisions we will be making in Ontario over the next two years.

I implore members to seriously consider supporting this piece of legislation, if for no other purpose than to provide the catalyst to force the government to stop stalling and bring forward its proposals around reform of the review and regulatory process that Ontario Hydro is subjected to.

All of the rhetoric around energy efficiency, parallel generation, industrial cogeneration and the other things that the government claims to be committed to mean nothing without the mechanisms in place to ensure that the rhetoric in fact becomes reality in electrical energy issues in this province.

## INSURANCE LEGISLATION

**The Speaker:** Mr Furlong has moved resolution 20.

Motion agreed to.

**1150**

## ONTARIO ENERGY BOARD AMENDMENT ACT

The House divided on Mr Charlton's motion for second reading of Bill 59, which was negatived on the following vote:

### Ayes

Allen, Breaugh, Bryden, Charlton, Cooke, D. R., Cooke, D. S., Cunningham, Grier, Johnson, J. M., Kormos, Philip, Pope, South, Sterling, Wildman.

### Nays

Adams, Brown, Callahan, Cleary, Curling, Daigeler, Eakins, Elliot, Fawcett, Faubert, Ferraro, Furlong, Hošek, Kanter, Keyes, Lipsett, Mahoney, Mancini, Matrundola, Miclash, Neumann, Nicholas, Oddie Munro, Owen, Pelissero, Poole, Ray, M. C., Reycraft, Roberts, Sola, Tatham, Velshi.

Ayes 15; nays 32.

The House recessed at 1155.

## AFTERNOON SITTING

The House resumed at 1330.

### MEMBERS' STATEMENTS

#### COMMERCIAL CONCENTRATION LEVY

**Mr Philip:** Members will recall how I pointed out in this House that as a result of the economic apartheid financial policies of the Treasurer (Mr R. F. Nixon) of this province, residents and businesses of the greater Toronto area are being charged higher taxes than those in the rest of Ontario.

I have already pointed out that the commercial concentration levy has created real problems for the larger hotels in Etobicoke which are competing for convention business with other cities. Today, I will be tabling a petition signed by employees of these hotels.

I would like to point out, however, that the hotels are not the only businesses affected by this particular tax. Jet-A-Way Airport Parking in Rexdale will be required to pay an additional \$775,000 a year in taxes as a result of the Liberal government's singling out the Metropolitan Toronto area for additional tax burdens.

This business, established in 1985, employs 75 staff, with a payroll that exceeds \$1 million. The owners claim that this commercial concentration tax levy will force them out of business. Mr Nixon, Mr Peterson, your actions are forcing the closure of viable businesses, resulting in a great loss to many families who work and live in Rexdale, as well as a loss to the clients who have enjoyed the service provided by this business. Once again, I urge you to reconsider your ill-thought-out policies.

**The Speaker:** Before I recognize the next member, I want to remind all members that when we refer to another member of the House, we refer to him not by surname but by riding or ministry.

**Mr Philip:** Mr Speaker, if he didn't interrupt me so often, then I would remember who he was.

**The Speaker:** Order. The member for Burlington South.

#### HOSPITAL FINANCING

**Mr Jackson:** I hold in my hands a Liberal government news release that was dated back on 14 May 1986, by the then Minister of Health. In it, we read the pre-election promises made by the member for Bruce (Mr Elston) in which he announced an expansion of 4,400 hospital beds.

These beds were to have been financed by an \$850-million capital allocation to Ontario's hospitals, an allocation billed then as the largest in the history of Ontario.

This government has decided to review whether or not it should go ahead with those beds as promised to the voters. We know from past experience that when this government says "review," it really means "cancel."

Three years ago, it was announced that 3,000 of the 4,400 beds were for chronic care patients. This included 90 chronic care beds for Joseph Brant Memorial Hospital in Burlington. It is now abundantly clear that the government intended all along to break this important election promise. Not only has this government not delivered on its promise for more beds, it is taking already existing beds away. According to recent Ontario Medical Association statistics, 700 beds have in fact been cut in the Toronto area alone, with a total of 2,000 beds that have been cut across Ontario.

The recent tragic event in Midland where a dying woman could not have her life saved only indicates that the situation has grown worse. The citizens of Burlington want to know: When are the Minister of Health (Mrs Caplan) and her government going to exercise some decisive leadership and responsibility with respect to what is happening to our health care delivery system?

#### TEENS AGAINST CRACK AND COCAINE

**Mrs LeBourdais:** I rise today to inform the House of the activities of a group of young people from my riding of Etobicoke West who are taking an active role in the war against drugs. Teens Against Crack and Cocaine was founded last February by five teenagers in a Metropolitan Toronto Housing Corp community on Willowridge Road. These young people had become tired of having their home continually associated with the negative publicity generated by the area's reputation for drug abuse and drug dealing.

In the eight months since the group's inception, their membership has skyrocketed to in excess of 1,500 people. Just as astonishing is their success at raising funds. To date, this group has brought in donations that total in excess of \$60,000. Success and dedication of this nature must be applauded, particularly when these efforts are directed at one of the most menacing problems in our society.

The group has taken a very realistic approach in its efforts. Instead of trying to eradicate the drug dealers from their community, a job they feel is best handled by law enforcement agencies, they have instead decided to use their organization to provide positive alternatives to young people. Included in these efforts will be the eventual establishment of a treatment facility and a series of drug education programs.

The group's executive committee and its adult co-ordinator, Marvin Wolfe, are with us here today in the gallery. I would ask them to please rise so that they can be recognized by the House.

#### TEMAGAMI DISTRICT RESOURCES

**Mr Wildman:** Some members will know that today a study has been made available to the Ministry of Natural Resources which was funded by the Ministry of Northern Development and Mines and carried out by Crandall A. Benson and Associates for the Teme-Augama Anishnabai.

This study on the forest stewardship plan in the Temagami area indicates that Ontario is at a crossroads with regard to the conservation and management of old-growth forests. The question is conservation and management, as opposed to continued exploitation. The study shows that the Ministry of Natural Resources has failed to manage white and red pine forests on a sustained-yield basis, that there has been insufficient regeneration of these forests. The planned harvest levels of white pine will lead to drastic reductions in the amount of white pine timber available in the future and the loss of the old-growth pine in general.

Harvesting on a sustained-yield basis is the only realistic production policy. It must involve a holistic approach, a forest stewardship plan, which takes into consideration the needs of wildlife, recreation, hunting, fishing and cottages, as well as timber demand.

This government must now make a commitment to a sustained yield, sustained employment and sustained stewardship of the forests in the Temagami area. The government must consider now, at last, a moratorium on further road construction and lobbying until it has assessed the findings of this study.

#### NURSING HOMES

**Mr McCague:** I am sure the Minister of Health (Mrs Caplan) is aware of the problems Christie Park Nursing Home has been experiencing with one of its psychogeriatric patients. Her ministry has investigated the recent death of a resident of the nursing home, who died after she

was beaten by a patient at the nursing home. Her ministry has determined that the nursing home handled this case properly.

The ministry decision was correct, because the reason for this tragic incident rests with the ministry. For several years now, the Ontario Nursing Home Association has been arguing that it cannot give its patients the proper programming because the resources its members need to provide protection for their patients are not forthcoming from the ministry. Nursing homes have not been given the resources to establish secure floors or rooms for psychogeriatric patients where they can be kept away from other patients. They have not been given the resources to provide one-to-one care for these patients. Psychogeriatric patients are being turned away from psychiatric hospitals and forced upon nursing homes that are being refused the resources to ensure that another incident like this one at Christie Park does not happen.

When is the government going to start providing nursing homes with the resources that are really necessary?

#### PETERBOROUGH THEATRE GUILD

**Mr Adams:** A quarter of a century ago, small theatre groups in the Peterborough area combined to form the Peterborough Theatre Guild. The new organization built a theatre in the burned-out shell of a church. Today, an audience of 236 can watch a performance in this beautiful theatre. The Guildhall can be used while adjacent rehearsal rooms and workshops are in full use. Sound and lighting facilities are of excellent quality.

The guild typically produces six or seven shows a season, including a children's play and a musical. Over the years, it has featured a number of works by local authors, as well as scores of established shows. Peterborough Theatre Guild productions have won highest honours at regional, provincial and national festivals.

For many years, the guild has been effectively self-supporting. It has over 2,000 paid-up members.

To commemorate its 25th anniversary, the guild plans a full year of special activities, including Silver Sundays, an open house, special performances and a birthday party. In addition, a book written by Mabel Smith on the theatre guild is to be published. This will be an account of one of the most successful volunteer organizations in the province's history. I recommend the volume and the guild to members of the House as



outstanding examples of creativity in the communities of this province.

### EMERGENCY HEALTH SERVICES

**Mr Morin-Strom:** On numerous occasions, we have brought to the attention of the Minister of Health (Mrs Caplan) the catastrophic situation facing our health care system because of cutbacks in funding, staffing and services. This is nowhere more apparent than in emergency health care services. The recent cases in Sault Ste Marie and Midland again show the failure of the system to respond immediately to medical emergencies, situations where time lost may well have meant the difference between life and death.

**1340**

On 22 June, the Minister of Health proudly announced the province-wide program to enhance the quality of emergency health services in the province. The minister claimed, "Implementation of the guidelines will ensure that emergency care is available at all times and that emergency patients will get priority over elective cases."

This did not happen when lack of staff and extreme demand prevented a London trauma team from responding to a Sault Ste Marie emergency last week. This was the first breakdown in a service that had been working very well for a number of years. The minister's new integrated trauma program could not access the medical escort that was a critical issue in this case. Ministry officials claim that medical escort is not a part of their mandate, even though it is essential to transfers from northern Ontario.

A complete investigation is needed into the tragic death of John Jagger in Sault Ste Marie. The minister has failed us to this point.

### TAX INCREASES

**Mr Harris:** Yesterday, the government tabled Bill 60, which will implement the last component of its 1989 tax grab by hiking the personal income tax rate for the fourth time in five years and for the third time in less than two years.

This must be some sort of modern-day taxation record. Some suggest maybe the Treasurer (Mr R. F. Nixon) should be tested for steroids. The taxpayer, both literally and figuratively, has a very hard time keeping up with this government. It has hiked personal income tax by two percentage points in 1985, a double whammy in 1988, jumping the tax one point for last year, an additional point for this year and now, in 1989, another tax increase for next year. Of course,

these are only a few of the some 30 tax levy increases this government has imposed on the people of Ontario since taking office in 1985.

That record makes tough talk of the Premier (Mr Peterson) on the federal goods and services tax ring rather hollow, given the performance of his own government. I would just as soon ask an Al Capone to lead the war on crime as to ask the Premier to lead the war on a tax revolt in this country.

The introduction of Bill 60 serves to remind us that this government is responsible for two of the largest tax grabs in Ontario's history. The people of this province can only wish that they had a premier who was as quick to practice the principles of moderate and fair taxation which he is so eager to preach to the federal government.

### LANDLORDS' RESTRICTIONS ON PETS

**Mr Faubert:** Over the summer, many tenants in my riding have expressed to me their concerns about the effects of the district court case of Cassandra versus Ryll regarding pets in rental properties. It appears from this ruling that, rather than look to the behaviour of the pets in question, judges may only look primarily to the terms of the lease when deciding whether to issue a writ of possession.

Pets play an important role in the lives of many of us, and there are many people in our society who rely on their pets for companionship and comfort. Some pets provide safety and security for their owners and some are the only sole companionship for a person.

Clearly, amendments are required to the Landlord and Tenant Act regarding the so-called pet clause. A landlord should not be able to evict a tenant simply for owning a pet unless it can be proved that the pet infringed upon the reasonable enjoyment of the premises by the landlord or the tenant.

This government has demonstrated in the past, through such legislation as the Rental Housing Protection Act, that it is committed to ensuring that tenants are protected and their rights are maintained. I encourage the government to continue to demonstrate its commitment to tenants by amending the Landlord and Tenant Act to allow a tenant to have a pet despite any terms contained in his tenancy agreement, and I would urge all members of this House to support Bill 51, entitled An Act to amend the Landlord and Tenant Act, tabled in this House by my colleague the member for St Andrew-St Patrick (Mr Kanter) on 20 July 1989.

### ESCAPE OF INMATES

**Mr McCague:** On a point of order, Mr Speaker: It came to our attention that there was a break from the Niagara Detention Centre this morning by three very dangerous people, one of whom was charged with attempted murder. I am wondering if the minister has any intention of making a statement today in order that the people of the Niagara area can rest comfortably over the weekend.

**The Speaker:** The member rose on a point of order. That is not a point of order. The member will have the opportunity, right away, as soon as I call for oral questions, to ask the minister that question.

### ORAL QUESTIONS

**Mr B. Rae:** I was told that the Premier was going to be here today, but in the absence of the Premier—

**Mr Haggerty:** The Deputy Premier.

**Mr B. Rae:** No, I do not want to speak to the Deputy Premier (Mr R. F. Nixon). I can talk to him any time. I want to ask some questions of the Minister of Labour.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr B. Rae:** We have been told by the House leader that the minister is planning to introduce or begin to speak today about Bill 208, which the minister will know is legislation that we have been waiting for for many years in this House, dealing with workers' health and safety.

The minister will be aware of the widespread public speculation, including many articles in the newspapers, statements that have been made by the Minister of Industry, Trade and Technology (Mr Kwinter) where he stated in the Toronto Star recently, "'We had a breakdown in communication' when cabinet approved the legislation," and that in his view, "'We have a window of opportunity with a new minister who can bring in a fresh, unbiased approach,' since he is not the author of the legislation, Kwinter said."

I want to ask the Minister of Labour, there are widespread rumours that the government is planning changes to this legislation involving the health and safety agency—

**The Speaker:** And the question?

**Mr B. Rae:** —involving the right to refuse work. Can the minister tell us whether it is, in fact, true that the government is contemplating changes to this legislation?

**Hon Mr Phillips:** I will have a chance to go over it in some more considerable detail actually

in a few hours, I expect, but I am very pleased to reassure the Leader of the Opposition, and all members, in fact, that we will be proceeding with Bill 208. We will do nothing that violates the principles of Bill 208. It will be the most progressive piece of health and safety legislation in this country.

Interjections.

**Hon Mr Phillips:** Perhaps I could follow up in my supplementary.

**The Speaker:** If there is a supplementary.

**Mr B. Rae:** I was interested in the minister's answer. He obviously chose his words very carefully. I asked him whether the government was contemplating changes in particular sections of the bill relating to the right to refuse work and relating to the right to stop work.

Perhaps I can focus specifically on the question of stopping work, since this has been one of the critical questions that has been criticized so heavily by the Minister of Industry, Trade and Technology. Can the minister tell us, is the government going to be asking the committee to consider changes relating to those sections about the power of working people to be able, at long last, to stop work when their lives and their health and safety are in fact in danger? Yes or no?

**Hon Mr Phillips:** A very important element of the bill is to ensure that no one is forced to work in an unsafe environment. We are very much committed to that principle. One of the key concerns has been that particular issue.

We are not asking the committee to change that provision. We are not directing the committee to change that provision. We are, however, asking the committee to take a look at that, recognizing there still is a dispute among the parties about what is the best approach to do that. We are not directing the committee to change it, we are, however, or we will be shortly, asking the committee broadly and on a wide-scale basis to take a look at that issue and come forward with its best suggestion on how we achieve that.

But in answer directly to the question, no, we are not directing the committee to change that.

**Mr B. Rae:** We all know how this place works. The Liberal Party backed the insurance industry 100 per cent. When the insurance industry said "Jump," the Liberal Party jumped. When the employers in this province said, "Jump on workers compensation," the Liberal Party jumped. And it is now perfectly obvious that when the employer community objects to a bill protecting workers' health and safety, the minis-

ter is going to be asking his members on that committee to jump, and everybody is going to be seeing how high. That is exactly what he is telling us today.

**The Speaker:** Is that your question?

**Mr B. Rae:** Is the minister aware that if the committee ends up making changes—and it has a vast Liberal majority on it. Does the minister understand the impact that a Liberal retreat and a Liberal caving-in to the employers of this province is going to have on the industrial relations in the province of Ontario? Does he understand what he is doing?

**Hon Mr Phillips:** I think it is extremely important, on this particularly important matter, that no one prejudge it. We are committed to Bill 208, we are committed to proceeding with Bill 208 and we are not retreating on it. To prejudge it is a gross injustice. I suggest we all work through it carefully, ensure that we move forward with the bill and do not prejudge it. Believe me, the Leader of the Opposition will find in the end that this will be the most progressive piece of health and safety legislation in this country.

Interjections.

**The Speaker:** Order. New question. To which minister?

1350

### HOSPITAL SERVICES

**Mr B. Rae:** To the Minister of Health. At the end of July the minister will have received a letter that was directed to the Premier (Mr Peterson) from a Romas Velyvis, who is someone who had a very severe heart condition and wrote the Premier, wrote me and wrote the leader of the Conservative Party about his health condition. He described his condition in the most direct of terms. He said: "The heart is pumping at 50 per cent capacity. The bottom portion of the heart is dead. I have breathing problems, frequent chest pains and I can barely walk 100 yards. I feel that I cannot survive that long wait."

The minister wrote Mr Velyvis back, and Mr Velyvis's widow received the minister's letter five days after Mr Velyvis died of a heart attack. She wrote him a three-page, boilerplate, bureaucratic answer, which I am sure is the standard answer she gives to every one of these letters she receives.

Does the minister not understand that her failure to respond, the failure of the government to respond, to the needs of people on waiting lists in fact means that they are dying while they are on these waiting lists?

**Hon Mrs Caplan:** I would say to the Leader of the Opposition that we all want people to have access to the care they need when they need it. We rely on physicians and hospitals in this province to ensure that people, whether they are in emergency situations or categorized as needing urgent care, receive priority.

I would say to him that whether we are talking cancer care or, as we were yesterday, talking about an emergency situation with a woman attempting suicide, we must make sure that the information presented in this House is factual and accurate. And I would say to him that in fact services are available and in fact were made available.

I would say to him that I received a letter from the Toronto Hospital and I will quote to him because it is important that the information in this House be accurate:

"The Emergency Hot Line for use by physicians around Ontario...staffed 24 hours was not used nor was the trauma team consulted....but all have confirmed that the patient would have been accepted had they been contacted as part of the normal procedure that is in place for patient referrals." Services were available in the province and physicians used their best judgement to determine who should have priority care.

**Mr B. Rae:** The minister has given me an answer which is the same answer that she gave to Mr Velyvis in the letter which his widow received five days after he died. In that letter she says: "I encourage you to discuss your needs with your physician. Cases which are determined by physicians to require urgent attention are given priority."

What we have here is a situation where Mr Velyvis's physicians are dealing with several urgent cases, not just one but with dozens of them, and the minister is saying, "They are the ones that have to decide whether we treat him or her or him, and it is the physician's responsibility." I say to the minister that she cannot deny the problem of a lack of resources. She cannot deny the problem of a lack of nursing staff. She cannot deny her responsibility to ensure that services are available which do not put physicians in this position and do not put patients—

**The Speaker:** The question?

**Mr B. Rae:** —and their families in this most tragic of situations—

**The Speaker:** Question?

**Mr B. Rae:** What is the minister saying now? Speak directly to Mrs Velyvis, who was waiting for the minister's letter, whose husband was



waiting for her letter for six weeks, and who was waiting for seven weeks for an appointment to see a doctor. What does she say—

**The Speaker:** Thank you. Order.

**Hon Mrs Caplan:** I would say to the Leader of the Opposition that anyone who has experienced a death in the family always receives my deepest sympathy. I would say to them that I understand, because I think all of us experience that and it is very difficult.

We get the very best advice from physicians and experts as to what our capacity should be in the province for the delivery of services. We appointed, as the member knows, a co-ordinator, we developed a provincial working group, and enormous resources have gone into the system to expand capacity right around the province. In the meantime, we are working with the physicians to ensure that standards and common definitions are developed to help physicians as they make those important decisions and to ensure that people have access to treatment on a priority basis and that those who are in emergency and urgent situations are treated first.

**Mr B. Rae:** How does the minister feel about the fact that since she has become the minister, waiting lists have gotten longer, not shorter? Whether you are waiting for radiation treatment at Princess Margaret Hospital, whether you are on a waiting list for serious cardiac surgery, the hard fact of the matter is that since her party has taken power and since she has become Minister of Health, people have had to wait longer and their care has suffered as a result. What is she going to say directly, not just to Mrs Velyvis but to the thousands of other people whose length of time on waiting lists has grown longer under her ministry, has grown longer under her administration? What does she say to those people?

**Hon Mrs Caplan:** In fact, waiting times vary across the province depending upon whom you choose to have as your physician and which hospital you choose to go to. People must know they have those choices and can ask for referrals to a centre where there is a shorter waiting time. One of the things we know is that we all want people to have access to the services they need when they need them, and we rely on physicians to use their very best judgement to ensure those people who require care urgently receive priority.

I received this letter from the Toronto Hospital today and they said, "It is the policy of the Toronto Hospital that no patient urgently requiring the services that are available within the two divisions should be denied care." I have contact-

ed every hospital that was involved in the situation we heard about yesterday, so that they could provide accurate information on what accurately occurred and outline their policy, that says that people requiring urgent admission—but it is very important that we have accurate information available so that people will understand that the services are available in this province.

Interjections.

**The Speaker:** Order. The member for Sarnia is waiting patiently to ask his question.

**Mr Brandt:** Mr Speaker, I am waiting patiently. Thank you for giving me the opportunity to raise a question with the Premier. It is in regard to the situation that was debated and discussed in this House yesterday. The Premier indicated, following question period, I believe, in response to media questions, that if the facts were essentially accurate something was deeply amiss within the system to allow Mrs Lacroix from Midland to die under the circumstances that unfolded, and the details, I am sure, are well known to the Premier, and the circumstances surrounding this particular case.

The Premier indicated that he was deeply concerned about this and that the contacting of some 15 hospitals in total was almost unbelievable, and the circumstances surrounding this case were very difficult for him to accept. Is the Premier satisfied now that this system that he has in place responded adequately to the needs of this particular patient?

**Hon Mr Peterson:** As I understand what the Minister of Health has just said, there is a system in place but the system was not used; that there were critical care beds available in the city to look after this kind of situation. It was there, but for some reason the people involved did not avail themselves of that service. We are assured that there were critical care beds in Toronto that were available.

So the question is: Why was that system which is in place and, to the best of my knowledge, functions well most of the time, not used? I understand that the Solicitor General (Mr Offer) has ordered a coroner's inquest today and it will get at all of the facts in this matter. But I want to assure my honourable friend—and I understand the discussion that went on in this House, a lot of charges and countercharges, but the system is there. The beds were available. I cannot stand here and give my absolute guarantee 100 per cent of the time that everything is perfect, but the system was there. The question is, why was it not used?

**Mr Brandt:** The fact of the matter is that the attending physician made it quite clear that the system failed his patient under the circumstances that developed in this particular case.

**1400**

Let me remind the Premier that prior to the 1987 election, in the year 1986, the former Minister of Health announced a major capital commitment in terms of additional hospital beds, in the number of 4,400 new beds that were going to be constructed in this province at a cost of some \$850 million. I ask the Premier: In light of the fact that there were these numbers of additional beds that were going to come into the system, and this capital commitment was made very specifically by his government, does he think it is right and proper and in fact just that during that same time frame not only has he not added new beds to the system but he has taken the total number of hospital beds available in Ontario from 51,000 to today, the reason that there are no beds available in many circumstances and the frustration being indicated by—

**The Speaker:** Question?

**Mr Brandt:** —over 50 per cent of physicians in a recent survey, where they have indicated it is becoming more difficult—

**The Speaker:** Thank you. Order.

**Mr Brandt:** I am coming to my question.

**The Speaker:** I hope you are.

**Mr Brandt:** Does the Premier think that is right, that he has reduced when he said he would increase?

**Hon Mr Peterson:** My honourable friend is building his attack on faulty premises. Let me say to my honourable friend that he is standing and saying in the House that there were not beds available yesterday. The Minister of Health has told the member there were beds available. Now the member may want to shift the course of his attack. I was here and I listened to some of the extreme statements of yesterday. That is one of the joys, I guess, of being in opposition: the members can make these charges even if they are not correct.

The Treasurer (Mr R. F. Nixon) tells me that the \$850 million has been spent and even more than that, \$1 billion, on hospital capital. So I can tell my honourable friend that there were beds available. Obviously we are sensitive to the capital needs of the province and will continue to build.

**Mr Brandt:** The Premier indicates that it is very easy to be in opposition and throw out

unfounded charges. I would like to bring to the attention of the Premier a full-page ad that appeared in the Haliburton County Echo newspaper, where it says—and I will only read part of the ad in the interests of saving time for the House: “Whereas our local MPP, Mr John Eakins, has advised the Hon Elinor Caplan, Minister of Health, that the government of Ontario has ‘welched’ on a commitment to the people of Haliburton county; now therefore be it resolved...”

This is directly related to a commitment for hospital beds that the Premier made in 1986, and I can tell him this story is repeated in literally dozens of communities right across this province where they have raised the money locally, they have followed the commitment the Premier made with respect to the beds the Premier was going to construct, and now people, including members of the Premier’s own government, are saying, “Where is the money and where are the beds?”

I say to the Premier that he has failed in his commitment and how does he justify that to the people of Ontario?

**Hon Mr Peterson:** Mr Speaker, I just wish to advise you that I made a mistake. The Solicitor General did not call the coroner’s inquest, the chief coroner called that today. So I apologize for that mistake.

I tell my honourable friend again that the financial commitment has been made, the program is commencing. It is never as fast as anyone would like, but we intend to keep all of the commitments.

**Mr Jackson:** I have a question for the Minister of Health. I would like to relate to her an incident which occurred to a Burlington resident and her family this last summer. Joan Thole was receiving cancer treatments at the Roswell Park Cancer Institute in Buffalo. During one of her treatments emergency surgery was undertaken to deal with complications which had arisen. On Wednesday 19 July doctors deemed her condition appropriate for her to be transferred back to Ontario and released her to be transferred to Joseph Brant Memorial Hospital.

Her Burlington doctor and her husband phoned that hospital but were informed that there were no beds and no room available for her, that the best that they could offer her was a gurney in the emergency department hallway for two days.

My question to the minister is: How can she continue to say, as she did yesterday in this House, that she is “doing everything...within the province to see to it that people have access to the



services they need and when they need them"? I quote from Hansard yesterday.

**Hon Mrs Caplan:** I think what I have said very clearly, and I think we all agree, is that emergencies must receive priority within our system. Whenever I hear situations such as this I am always concerned, and I want to follow up on the details of the case. If the member will send me over the specifics, I will ask the hospital, which has responsibility for the actions of its staff, to let me know exactly what happened in this case and I will report to the member.

**Mr Jackson:** Joan Thole died eight days later. She died alone, without her family and her friends, in another country. Her family experienced great difficulties getting to the United States to visit her and many were denied their last opportunity to see her.

So I want to ask the Minister on behalf of the Thole family, they want to know from her how she can continue to say that she is delivering a health care system that is providing quality health care as close to home as possible. How can she continue to state that?

**Hon Mrs Caplan:** My priority is always to see that people get the care they need when they need that care and as close to home as possible, but the priority is to see that they get the care they need. When I hear these kinds of situations I am always prepared to investigate and determine if the hospital was as sensitive as it could be in responding to a terminally ill patient. I certainly understand the family's plight and I give them my sympathy.

**Mr Jackson:** The minister's concern is of little comfort to Mrs Thole at this point in time. They went through untold-of complications; it took them three days just to get through all the necessary red tape to bring the body back to Ontario. It reads like a horror story. So it is not the minister's concern that can help this family now. What she can do now for families who will continue to experience this kind of problem, this tragedy which has affected this family—will she not now at least acknowledge that by honouring her election promise of providing the necessary beds, in effect honouring her promise to Joseph Brant Memorial Hospital, that tragic incidents like this, that are becoming all too frequent, can be eliminated and we will have a health care system that does in fact meet our citizens' needs close to home?

**Hon Mrs Caplan:** I do not think there is anyone in the House who understands any more than I do how difficult it is for a family to cope

and to deal with terminally ill patients. I think we have all experienced that kind of difficulty within our family and our close friends, and we know how difficult that is. We also know that not only technologies but the way of delivering services have changed and have changed dramatically.

So we are focusing on people, the services they need and how we can provide those services in alternative locations, because people are saying to me, particularly families experiencing that kind of situation with a terminally ill patient, many are saying, "With home support and with alternatives in the community, we would like to have the alternative of not having to go into an institution only." So when I say that beds are not the benchmark for service, it also means that we must focus on people, the services they need, and what new technologies and therapies are allowing us to do in the provision of those services.

#### ST LAWRENCE SQUARE/ATARATIRI

**Mr Harris:** I would like to welcome the Minister of Housing to his new portfolio by asking about a stalled housing project in Toronto. The minister will know that the massive 7,000-unit St Lawrence Square project was announced with great fanfare some 14 months ago. At that time, the ministry said that the first units could be ready for occupancy as early as 1990. I think a number of us pointed out that that was unrealistic, that the government had failed to plan for land acquisition, infrastructure, environmental consideration. The costs were unrealistic. However, that was the big fanfare announcement, and obviously this date is no longer realistic or achievable.

I would like to ask the minister this, though. Even though the province is committed to finance this project—\$215 million I believe is the figure as of last May from the former minister. Metro council has now designated 2,500 of these units, of the total of 7,000, to be ready in 1996, fully six years behind schedule, as part of its Olympic bid. I would like to ask the minister, does he agree with Metro's proposal that if he were to finance this project, 2,500 of those units should be delayed until 1996, and what about the rest of the 4,500 units?

#### 1410

**Hon Mr Sweeney:** With respect to the affordable housing component of the St Lawrence project, I would like to see them on stream as quickly as possible, as I am sure my honourable friend would. He may or may not be aware of the fact that two elements are holding up the project right at the present time. The first is



the ongoing land sale negotiations with CN and CP Rail. The member may be aware of the fact that a number of other pieces of land have been expropriated by the city, but the city does not have the capacity—and to the best of my knowledge the province does not either—to expropriate railway lands. The city has made a determination that it does not want to go ahead until it has the total land assembly. I have been in touch with the mayor's office and have indicated that we would be prepared to assist with these negotiations, but I am sorry I cannot give him any guarantee as to how long it is going to take.

The other element, as I am sure my honourable friend does know, is that there are some contaminated sections of land down there. We are working very closely with our colleagues in the Ministry of the Environment to be sure that the contamination is completely cleared up before anything proceeds and, if there are certain pieces of land which even after the cleanup would not be appropriate for residential development, deciding that they should be allocated for maybe some small commercial development instead.

Those two things are holding them up, but I was unaware of the 1996 figure, to be quite frank with the member.

**Mr Harris:** I assume the minister is saying the announcement when it was made was premature and was really not very well thought out, and I agree. The minister is quoted as saying, "My mandate is to get affordable housing on stream faster, but if you hold on to the land for three or four years it gets more expensive." That is the minister's quote; I agree. I am glad that the minister at least understands that part of the problem.

Now apparently the city of Toronto proposes to build 2,500 units and have them ready by 1996—six years behind schedule—not to house the people of Toronto but as designated units of its 1996 Olympic bid to house the media. We all support the Olympics, and gosh knows I adore the media, but I want to ask the minister, are we serious about this project? Are we going to wait six years for Olympic leftovers before this announcement of 14 months ago and this project goes for low-cost housing for the people of Toronto?

**Hon Mr Sweeney:** Subsequent events have in fact demonstrated that the 1990 date does not appear to be realistic. I would point out to the honourable member that I will do everything in my capacity, and I understand from our discussions with the mayor's office in Toronto—who,

by the way, I am sure my honourable friend knows are the ones who are essentially responsible for the project. We are assisting, we are providing all the support we can, but it is a city of Toronto project, and we have not involved ourselves in some of the more detailed decisions.

I will do everything I can, and I am sure the city will, to move ahead more quickly. What I am not sure of, given the information that the honourable member has, is whether or not the 2,600 units he is referring to are deemed even by the city to be the first units on the site or a particular block of units for that particular purpose. I do not know that.

I do not see any good reason, quite frankly, why it should take as long as has been suggested to get the first units on the sites. There are a few things that have to be done, but it should not take that long.

#### AUTOMOBILE INSURANCE

**Mr Kormos:** My question is to the Minister of Financial Institutions. The new Liberal auto insurance scheme, the one the insurance companies asked for and the one they got, will guarantee that the vast majority of innocent injured persons, probably 90 to 95 per cent of the innocent injured victims in automobile accidents in the province—victims of negligent drivers, careless drivers and drunk drivers—do not get one cent of compensation for their pain and suffering or for their loss of enjoyment of life. The minister's government wants to take away their right to be compensated. How is that fair?

**Hon Mr Elston:** The fairness in the system is obviously in relation to the quickness of response of the service by the industry affected by a vigilant commissioner making sure that the lost income is replaced quickly, making sure that supplementary medical and rehabilitation services are available quickly, making sure that long-term care services are available and making sure that there is a system in which the seriously injured person can proceed to deal with the tort issue.

Those are all fair parts of the system. The other parts which the member has not mentioned yet in terms of fairness are the ones that are being put in place to ensure that there is a reduction in accidents, a reduction in injuries, stepped-up surveillance with respect to the wearing of seatbelts and a series of other things which we believe, and in fact have been suggested by others in front of various other boards, should be done to deliver a reduction in accidents and

therefore prevent loss from happening in the first place.

**Mr Kormos:** The government's own Ontario Automobile Insurance Board told us that jurisdictions that implement this type of system suffer an increase in accidents.

But I run this past the minister: A 12-year-old student is injured when he is a passenger in a motor vehicle. A drunk driver crosses the median and hits that car. This young student suffers a broken back, is hospitalized, in traction four months, at home recovering for a year, unable to complete his schooling in that year and in addition loses another year.

The minister knows that currently that young person would get damages for his pain and suffering—significant, albeit not permanent—in the range of perhaps \$25,000. He would be awarded compensation for the two-year delay of his entry into the workforce—the two years of school that he lost as a 12-year-old—perhaps to the tune of \$40,000. You are talking about compensation in the amount of \$65,000.

**The Speaker:** You have a question?

**Mr Kormos:** Under the minister's scheme he would be entitled to zero, zip, not a cent. How is that fair—an innocent victim of a drunk driver suffering and not entitled to a cent?

**The Speaker:** That is a good question: "How is that fair?"

**Hon Mr Elston:** The honourable gentleman has indicated that this person would not receive one cent, but in the circumstances which he outlined he would know that the supplementary support mechanisms would be in place to allow that person to have the rehabilitative services and the long-term care that would be required to ensure that he came back into the mainstream as quickly as possible.

The honourable gentleman knows that one of the reasons for lump sum payments is to allow people to adjust and to be accommodated to the condition in which they find themselves. The new no-fault system would of course provide that person with a quick response to those particular needs.

In addition to that, what the gentleman is trying to suggest to the public by the manner in which he asks the question is that there is no penalty inflicted upon the drunk driver. In fact, there is an increased penalty on that drunk driver. In fact, there is a requirement that a drunk driver, if he is so found and convicted, will be without a driver's licence until he completes a rehabilitative course that would allow him to qualify for

driving. In addition to that, there would be an increase in the premiums paid by that person.

I say to my friend, do not try to make it out as though there is no penalty on the impaired driver, because that is not the case.

#### SOCIAL ASSISTANCE

**Mrs Cunningham:** My question is to the Minister of Community and Social Services. The Provincial-Municipal Social Services Review Committee was established in 1987 to investigate cost-sharing arrangements for the delivery of social service programs. It is now two years later and the report has yet to be released.

Municipalities are planning their 1990 budgets now, and they need to know details about how social service programs will be cost-shared now and in the future. The municipalities were really counting on the Provincial-Municipal Social Services Review Committee's report to assist them in implementing the recommendations of the Social Assistance Review Committee. When can we expect to see this report, and when will the government respond to it?

**Hon Mr Beer:** In early September and late August I did meet briefly with the members of the Provincial-Municipal Social Services Review Committee. They were in the final stages of getting the report prepared. I trust that I will have it before too long, and as soon as I do it will be made available. I believe the exercise has been an extremely useful one. I know we view the work of that committee as being critical in developing a good, solid ongoing relationship with the municipalities in terms of the delivery of a number of programs in our area.

**Mrs Cunningham:** The minister must be aware that the municipalities are becoming increasingly frustrated at the possibility of having the sole responsibility for the implementation of SARC. Many of us are looking at headlines stating, "Municipalities Fear Costs of SARC Implementation." There should not be any fear out there if we are communicating well. We are all in favour of SARC; however, we are also in favour of good planning, especially the municipalities. For many municipalities the possibility of assuming the role the government has envisioned for them depends upon appropriate cost-sharing arrangements, and that is what that committee was all about.

While we wait for the report to be released and shared with the rest of us, what is the minister doing to ensure that municipalities have nothing to fear with respect to the costs of implementing SARC?

1420

**Hon Mr Beer:** As the honourable member may be aware, there has been a great deal of consultation and discussion with municipalities with respect to many aspects of social assistance review process, and indeed many of the issues that are being dealt with by the provincial-municipal team have been discussed on the municipal side with people in the Association of Municipalities of Ontario, and there have been discussions among municipal officials. I think a lot of the thoughts and ideas that have come out of that exchange are ones that are going to guide us in the determination of our policies once the report comes out.

I do not believe that there is anything to fear. In fact, I think my understanding of the process so far, of the direction that I think many would like to see us and the municipalities go, is one that is going to build a very supportive and co-operative relationship, and I think we will see that in the months ahead.

#### CONTAMINATED SOIL

**Mr Curling:** The Attorney General in his wisdom recently decided not to appeal to the Supreme Court of Canada the decision of the Ontario Court of Appeal which agreed with an earlier court ruling that the province had been negligent in anticipating the radioactive problem should the land be developed for housing. For the benefit of the people affected by this decision, could the Attorney General advise us exactly what the ruling entails?

**Hon Mr Scott:** I thank the honourable member for the question.

**Mr Sterling:** Why didn't you appeal? Because you didn't want to be a two-time loser?

**Mrs Grier:** Admit that you were wrong and that he was wrong too when he was in cabinet.

**Hon Mr Scott:** Are we finished?

Interjections.

**The Speaker:** Does the Attorney General have a response?

**Hon Mr Scott:** Yes, I do. The trial judge in this case decided that the government was negligent in 1980 when it failed to take certain steps, for which my friends can answer better than I can because I was not even around here then. We appealed to the Court of Appeal because while we were prepared to recognize that a lot had failed to be done by the previous government, we thought a modest injustice had been done to them.

The Court of Appeal concluded that the trial judge had not put the question on the right footing and that in fact there was no negligence on the part of the government. What the government had failed to do was to apply the provisions of a statute, and it is on that basis that we concluded that the Court of Appeal decision had said that the government was not negligent. It had, however, failed to apply a statute. We concluded that it was not in the public interest to appeal that further, and I am delighted to be able to tell my friend, who is very concerned about this issue, that the plaintiffs in this case will be paid as soon as that can be arranged.

**Mr Curling:** In 1985, I recall, I successfully negotiated with the government to purchase at market value a number of the homes on McClure Crescent and to cover any reasonable relocation costs incurred by the owners. Could the Attorney General tell me if the government still stands by those commitments?

**Hon Mr Scott:** As I understand the matter, all reasonable requests will be considered by the government. The honourable member will want to remind his constituents as they look at this very difficult situation that though they were stonewalled for almost a decade by the government of the day, it is this government that decided to purchase those homes and to respond affirmatively to the judgement. I am quite proud of that, and I am sure the honourable member is as well.

#### TEMAGAMI DISTRICT RESOURCES

**Mr Wildman:** I have a question for the Premier. The Ministry of Natural Resources is being provided with a professional scientific study carried out by Crandall A. Benson and Associates for the Teme-Augama Anishnabai, a study which was funded by the Ministry of Northern Development and Mines and which is very critical of MNR for poor management, particularly as it relates to the ministry's failure to successfully regenerate white and red pine stands in the area of Lake Temagami. In view of that, is the Premier now prepared to order a moratorium on road construction and logging in the area until the findings of this study are properly analysed and assessed by the Ministry of Natural Resources?

**Hon Mr Peterson:** I think my honourable friend knows the history of this particular matter. There has been a great deal of discussion about it, it has been litigated from a number of points of view and there have been discussions with the band. As the member knows, there is the issue of the land claim as well that has been litigated. I



think he will find that everything the government has done over a long period of time has been with the approbation of the courts in support of the law, unlike some others.

Now just let me say to my honourable friend, the road is in the process of being built, as he knows, but what we are determined to do is to make sure that cutting takes place in the most sensitive way as possible. The Temagami Wilderness Society has been invited to participate in the management of that area. It has been said before that there will be no clear-cutting of any of the sensitive areas. I think my honourable friend understands that. Indeed, there will be a conference on old growth, I think cosponsored by the Federation of Ontario Naturalists and the government, some time in January. All of these modern techniques and views will be part of the management of that particular area.

I say to my honourable friend, I am not familiar with the particular study to which he refers. I have not read it myself. I am sure the minister has, but I can assure my honourable friend that everything will be done in the most sensitive way possible—very sensitive to the environment as well as to the local residents.

**Mr Wildman:** It is interesting how the Premier can claim to be sensitive when this study, on page 40, points to 42 years of recognized poor forest management and to three ministry studies which indicate that and then says, "At the management unit level, even an astute and knowledgeable forester is stymied in practising sustained forest management by the policies of the OMNR, or lack of them."

In view of that kind of statement and evidence further on in the study that the ministry has been successful in regenerating only three per cent of the cutover white pine and only 13 per cent of the cutover red pine in the area, how can the Premier justify proceeding with the road development before the ministry has even analysed this study, which has just come out?

If the Ministry of Northern Development and Mines was prepared to fund this study and used consultants who have been used in the past by the Ministry of Natural Resources, surely it is incumbent upon this government to stop the roadbuilding and any logging in the area until it has analysed this study and determined how it is going to proceed on a sustained yield basis.

**The Speaker:** Thank you. There are a couple of questions there.

**Hon Mr Peterson:** My honourable friend has presumably analysed the study and drawn his own conclusions on the basis of that, and he is

entitled to do that. He talks about 42 years of mismanagement, and I could not be more at one with my friend opposite because we are constantly in the process of trying to clean up 42 years of mismanagement. It is not always easy. My honourable friend the Attorney General (Mr Scott) was talking about this; so are we.

I am not here to defend what some of my friends opposite in the third party would like to defend about forestry management. That is not the issue. The issue is, how we do this for the future in a sustainable, sensitive and ongoing way to balance the variety of interests that are competing in that particular area. I think my honourable friend will find that MNR will do that in these circumstances. Indeed, we have invited participation from the residents. We have invited participation from the Temagami Wilderness Society and others to assist in this model management area.

I really think if my honourable friend got off his ideology on this matter, or his polemics on it, he would find—

**Mr Wildman:** I am just quoting this study. You funded it.

**Hon Mr Peterson:** This will be taken into account during the management of this whole matter as will any other good ideas he has to bring to bear on the situation.

### ESCAPE OF INMATES

**Mr McCague:** My question is to the Minister of Correctional Services. Having given him three quarters of an hour's notice of something that I might want to ask about, I am sure he will have the answer. Can he give us a report on the breakout from the Niagara Detention Centre this morning of three persons, one of whom is reported to be charged with attempted murder?

**Hon Mr Patten:** I would like to thank the member for Simcoe West for the opportunity to report to the House. Indeed, we received a report this morning that three inmates in fact did escape from the Niagara Detention Centre at 6:25 am. The Niagara Regional Police were immediately alerted. They are at the moment engaged in a search in the area. We have ministry investigators who are investigating how this incident could have occurred in the first place. I cannot comment on that aspect until I have the report. Of course, I hope they will be apprehended at the earliest possible moment. The member can be assured that at this point the police force is on the trail of these three inmates. If I get a report before the House recesses today, then I will be happy to pass along that information.

1430

**Mr McCague:** It is rather ironic that we had correctional officers in the gallery this week who were here to bring to the minister's attention the fact that most detention centres or jails are understaffed. Does this mean that the minister will be staffing the detention centres in Ontario appropriately?

**Hon Mr Patten:** In this case at the Niagara Detention Centre, the capacity in fact is 183 beds and at the moment, as of this morning, the use of those beds was 162, so it is below capacity.

I take the member's question very seriously. We do have some pressures on remands in the province, as I tried to state earlier this week. The local police have been particularly vigilant in the Toronto watershed area. We have increased apprehensions by the police because of vigilance of the police around drugs, around family violence and things of that nature, and that adds to the capacity. I want to assure the members that we have a system around the province that does not have the same kind of pressure. Because we have capacity in other areas, the rest of the system tries to play its role in responding to the pressure we have in the immediate area.

#### DRUG ABUSE

**Mrs LeBourdais:** My question is to the minister responsible for the provincial anti-drug strategy. As a method of offering some guidance to the Teens Against Crack and Cocaine group that is with us here today, I wonder if the minister could advise the House if he has discovered any recurring elements or patterns of success among the numerous local anti-drug campaigns he has come into contact with in the travels he undertook to produce the Task Force on Illegal Drug Use in Ontario report.

**Hon Mr Black:** I want to acknowledge the very significant contributions being made by the member for Etobicoke West towards fighting the problems of illegal drug use in Ontario. I also want to take this opportunity to commend the young people from her riding who have taken some initiatives to introduce programs in their community that will be helpful.

There are many communities in this province that are developing community action groups. They are different in the size and scope of what they attempt to do. There are perhaps two characteristics of the successful ones that stand out.

The first is that the very successful community action groups are broadly based. They bring together representatives of a variety of communi-

ties who can work together to find solutions that are appropriate to that community. The second significant characteristic, I think, is that they utilize the agencies and services that are available in their community, so that we have in those very successful programs the opportunity for existing agencies to be accessed.

**Mrs LeBourdais:** Alcohol and tobacco are the gateway drugs that frequently lead to illicit drug use and subsequently to a great deal of destruction in our society. Given this and in light of recent reports indicating that illicit drug use is on the decline, I would like to ask if any consideration will be given by the province to applying a greater emphasis on controlling the abuse of both alcohol and tobacco?

**Hon Mr Black:** I should first of all comment that the reduction in drug use that was reported by the Addiction Research Foundation last week is actually a reduction among school children. The facts are that over the last several years there has been a significant decline in the number of school-age children who are using drugs. Unfortunately, that decline is not evident in all parts of our society.

The member raises the question related to alcohol and tobacco and I want to say to her that this government has been promoting programs for the past several years that are working, and I think working effectively, in the areas of health promotion and in attempts to reduce the use of alcohol and tobacco among teenagers and among young people and also to encourage responsible use of alcohol. Those programs are in place through the Ministry of Health and through the Ministry of the Attorney General. We will be continuing our efforts to try to support those programs and devise new programs that will strengthen them.

#### CONNAUGHT LABORATORIES LTD

**Mr Morin-Strom:** I have a question for the Premier with regard to Connaught Laboratories. Connaught Laboratories was identified in the Premier's Council studies as one of the priority industries in Ontario. Biotechnology is supposed to be one of the industries of the future. We know now that one of the largest takeovers in the history of this province is currently well under way, and to everyone's knowledge very little has been done by the province of Ontario. Can the Premier tell us specifically what he is doing to ensure that Connaught Laboratories remains a Canadian firm and that we will have that critical research and development for the future of Ontario right here in Ontario?



**Hon Mr Peterson:** My honourable friend is wrong, but let me respond to his question because I do take it very seriously. I wish the minister were here because he could give the member more detail on the great number of meetings that have gone on between him and the various aspirants, shall we say, who have their eyes on that particular company.

Let me just say at the beginning that we are very concerned as a province that this would pass out of Canadian hands. It is not something we want to see. We are against it. As the member knows, a company largely owned by the French government, Institut Mérieux, has made a bid or it had a proposal for some kind of joint venture, which was not really control situation: 51-49. Then Ciba-Geigy came in with a bid and a local group has been trying to put together a bid as well.

All of those have been investigated from our point of view. We do not have any ultimate control in this takeover, as my honourable friend knows. It has to go to Investment Canada and we have expressed our views to them that it is not in the national interest. This is a unique company. It is a technology we think it is important to have here. We hope this company will not be sold.

I ask myself this question: What would happen if Connaught were taking over Institut Mérieux? What would be the reaction of the French government? I think the member and I can both predict that. I wish the minister were here so he could give the member much more chapter and verse on this than I can. We do view this with great alarm and I can tell the member that the minister has been on top of the situation.

We are talking dollars in the magnitude of \$700 million, \$800 million or \$900 million; in that range. It is not practical for the government to take over the company as my honourable friend knows. We do not have the legislation and we do not have the power to prevent it from taking place. That being said, we are deeply concerned—

**The Speaker:** Thank you.

**Mr Morin-Strom:** The value of this takeover obviously indicates the critical importance of an industry such as this to the future of Ontario. The University of Toronto is currently in the courts seeking an injunction to block this sale. Why is it that an institution such as the University of Toronto, which is in fact strapped for funds itself in terms of being able to pursue research and development internally, has to go to the courts to try to stop this sale? Why has the province of Ontario not intervened on behalf of the Universi-

ty of Toronto and on behalf of the people of Ontario to ensure that this sale does not go ahead, both with respect to court actions and with respect to the Premier's involvement with the federal government? Could he not have done something to stop this?

**Hon Mr Peterson:** The quick answer to the question is no. We do not have the power to do that.

The reason the University of Toronto is there is because it has a restrictive covenant on the sale of ownership, on a transfer of ownership into foreign hands, because of a residual clause when it originally had a piece of Connaught Laboratories prior to its sale to Canada Development Corp and the present consortium of ownership. That is the reason why, and it is probably the only legal hook that either the province or one of its agencies—in this case, let me just say for the sake of argument that the University of Toronto is an agency of the province—has in order to hold that up. That is the only legal recourse that exists at the present time and that is being exercised.

Now, there is some question over the viability of that particular legal clause and I am not in a position to pronounce judgement on that, but I can tell my honourable friend that there have been expressions of interest by a few other companies. The minister has worked with all those groups to try to put together a viable Canadian bid. At the moment, I am not sure that exists, but hope has not been given up.

1440

## HIGHWAY CONSTRUCTION

**Mr Brandt:** A question to the Premier. The Premier's government is putting forward the position that automobile insurance rates can be reduced if you reduce accidents. I do not disagree with that position, other than to say that it is going to be very difficult to reduce accidents in this province with the unsafe roads and inadequate driving conditions that exist in many parts of the province. One such stretch of road is the area between Pembroke and Ottawa where the traffic volume has increased very substantially over the years. The mayor of Pembroke has identified that road, using his words, as "the worst highway in all of Canada." What does his government intend to do about the stretch of road between Ottawa and the fine community of Pembroke?

**Hon Mr Peterson:** I am told that if the mayor of Pembroke is to be believed in this instance, it is because of 40 years of neglect, which we are in the process of trying to rectify. It is going to put



additional pressure when the member's friends in Ottawa are cutting Via Rail across this province, putting more pressure on airports and roads. I think my honourable friend cannot have it all ways.

Let me say that the Treasurer (Mr R. F. Nixon) and the then Minister of Transportation put forward in the last budget a very aggressive program of road building and construction across this province. I think we are in the process of trying to make up in this area, as in so many other areas, for lack of planning in the past. I think the member can pass on to his good friend Ace McCann that the province is in very good hands, that the area is particularly well represented in this Legislature and that he will find his needs will be attended to in a fair, rational and reasonable way.

**Mr Brandt:** I am going to also pass on to his worship the mayor the fact that what the Premier has just shared with this Legislature is not factually correct. The Premier's budget for transportation has gone down. He had reduced his commitment to road construction. It is easy for him to point his finger at some other jurisdiction, to flog off responsibility to municipalities and to point to the federal government. The Premier has had years to do something about this particular stretch of highway. He can back out of the responsibility and blame someone else, but the fact of the matter is that he now has a responsibility to upgrade this road. When is he going to do something about it?

**Hon Mr Peterson:** The very capable minister from the area tells me there has been a very substantial amount of work done on Highway 17 west of Ottawa. I am not sure when the last time was the member drove it, but I am sure that the local—

**Mr Brandt:** About a month ago, I was on that road. When was the last time you were on it?

**Hon Mr Peterson:** He was on that road a month ago. Well, if that is the case he would have noticed the improvements from the last time he had been there, and he would want to stand up in this House and tell his honourable friend Ace McCann, the mayor of Pembroke, that the road program in this province is progressing. We are making progress everywhere. The member should apologize to the mayor for not doing more when he had an opportunity to do it.

#### CRIME PREVENTION

**Mr Daigeler:** My question is to the Solicitor General. Recently, I received from our federal colleague Bob Kaplan a copy of his very

excellent speech on crime prevention. This topic interests me greatly, especially in view of some of what I consider very horrendous crimes in Ottawa-Carleton and other parts of the province. For example, I was stunned to read a few weeks ago that a 19-year-old, without any apparent motive, attacked an innocent pedestrian and threw him over the interprovincial bridge in Ottawa to his death some 100 feet below. As a society, I think all of us have to ask ourselves what kind of social, economic or personal conditions produce such unprovoked and callous crimes.

May I ask the Solicitor General—

**The Speaker:** Please do.

**Mr Daigeler:**—whether his ministry has studied crime patterns in this province in view of trying to prevent crimes and what is being done in this regard.

**Hon Mr Offer:** I think the member raises a very important issue in dealing with the study of crime trends in Ontario. I would like to indicate to the member that my ministry is placing a significant emphasis on community policing. The emphasis is based on our knowledge of the integral role that communities play in effective policing services, that they work co-operatively with the police service that provides service to the community.

The role of the community in crime prevention is integral. This is why we are working with communities throughout Ontario to develop effective programs, to develop programs in the prevention of crime. I would like to indicate that during the first week in November—this is Crime Prevention Week—I will be meeting at that time with a number of community groups that play a lead role in the development of crime prevention and we will be conducting a number of seminars and discussions between community groups, businesses and police forces to discuss the whole issue of crime prevention. I look forward to these discussions.

The member raises an important point. He brings forward the issue in terms of community policing, which is a new form of policing that I believe—

**The Speaker:** Thank you. That completes the allotted time for oral questions and responses.

#### PETITIONS

#### WASTE DISPOSAL

**Mr Wildman:** Mr Speaker, I have a petition that is in the proper wording as it used to be prior to the rule change and I would ask your

indulgence, since this was circulated prior to the rule changes, to accept the petition.

**The Speaker:** I will listen very carefully.

**Mr Wildman:** It is addressed, "To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario," as was the past procedure. It is a petition signed by 615 residents of Goulais River, Haydon and Sault Ste Marie, requesting the "Ontario government to allocate the necessary funds to allow for the extension of the present hours of operation of the Goulais River waste disposal site." I have signed the petition and I support it.

#### CHRONIC CARE

**Mr D. S. Cooke:** I also have a petition that is with the proper wording for the previous rules and I therefore ask that the Speaker consider it to be in order.

I will not read the petition in its entirety. Earlier in the year, I presented a petition dealing with the promise the current government had made to build a new chronic care hospital in the city of Windsor, with 13,000 signatures. Since then, another 6,000 signatures have come in, asking the Liberal government to keep its promise. We have raised our \$11 million in our community towards the construction of this hospital. We just wish the government would come through with its promise of \$22 million. However, in between, the Minister of Health (Mrs Caplan) has further delayed the construction of the new hospital.

**The Speaker:** I know under the new rules—

**Mr D. S. Cooke:** We are not allowed to read the petition?

**The Speaker:** You are allowed to give an explanation, but not to debate it.

#### COMMERCIAL CONCENTRATION LEVY

**Mr Philip:** I have a petition also using the words of the previous rules.

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We believe that the provincial Liberal government's recently imposed commercial concentration levy tax will greatly hurt the ability of hotels in the greater Toronto area to compete with hotels in other areas. We believe that it will result in a postponement of capital investment in this area and mean a loss of jobs in the tourist industry. We call on members of the Legislature to express their disapproval of the government's

actions and we call on Premier David Peterson and Treasurer Robert Nixon to rescind the tax."

I agree with the petition and I have signed it.

#### COUNTY OF SIMCOE

**Mr McCague:** I have a petition:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We wish to make it known that we, the undersigned, strongly object to the manner in which the south Simcoe local government study is currently being conducted by the Minister of Municipal Affairs. Further, we truly believe that preliminary proposals put forward by the ministry for one municipal government unit, bounded on Highway 27 to the east, Highway 9 to the south—and setting out the west and north boundaries—"is not appropriate for this area of south Simcoe county. In this regard we strongly favour the compromise proposal submitted by the town of Alliston and supported by the village of Tottenham."

This is signed by 444 people and it is in an almost perfect form.

#### 1450

#### NATUROPATHY

**Mrs E. J. Smith:** I wish to present a petition properly signed and addressed to the Lieutenant Governor and the Legislative Assembly of Ontario.

"To the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is our constitutional right to have available and to choose the health care system of our preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

I present this on behalf of these citizens.

#### INTRODUCTION OF BILL

#### CITY OF GUELPH ACT, 1989

Mr Ferraro moved first reading of Bill Pr42, An Act respecting the City of Guelph.

Motion agreed to.

## ORDERS OF THE DAY

House in committee of the whole.

### TORONTO TRANSIT COMMISSION LABOUR DISPUTES SETTLEMENT ACT, 1989

Consideration of Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes.

**Hon Mr Ward:** On a point of order, Mr Chairman: I seek permission for the minister to take a front seat.

**The Chair:** You do not need to seek permission, but you may sit at the front seat, yes.

As the minister's staff is getting installed, I would like at this moment to list—and simply list—any proposals for amendments and comments or whatever, questions, and to which section. Would anybody have any proposals so we can list them?

**Mr McCague:** I am momentarily standing in for the member for Markham (Mr Cousens). I understand he would wish to propose amendments to subsections 5(6) and to 5(8).

**The Chair:** Yes. Is it just these two you have? Anything else?

**Mr McCague:** I believe your understanding is correct, Mr Chairman.

**The Chair:** And you have copies of those proposed amendments?

**Mr McCague:** I have only got one copy of—

**The Chair:** We can get some copies made.

Would any other people wish to list proposed changes? Is that it, then, just proposed amendments to section 5? We will wait to get some copies made and distributed to the proper authorities.

Is there any discussion on sections 1 to 4? In that case, if there is no need to discuss, shall sections 1 to 4 carry?

Sections 1 to 4, inclusive, agreed to.

**Mr Harris:** There are actually three proposed amendments.

**The Chair:** Three proposed amendments? Subsections 5(6) and 5(8), and which is the third one?

**Mr McCague:** There are, as written, three amendments, but two of them are to subsection 5(8).

**The Chair:** While we are waiting for the—yes?

**Mr Harris:** I wonder, while we are waiting, if it might not be appropriate to point out in the gallery on the west side—

**The Chair:** I was about to do that.

**Mr Harris:** Were you going to do that?

**The Chairman:** You took the words out of my mouth.

**Mr Harris:** Let me allude to the former member for Bellwoods, Mr McClellan.

**Mr D. S. Cooke:** There is no such riding.

**Mr Harris:** No such riding any more, I am led to believe, but we always knew him as the member for Bellwoods, astute member that he was. He represented his constituents well and also his party very well in his capacity as House leader at that time. I just want to acknowledge his presence here as he oversees how we are carrying on.

**Hon Mr Ward:** Mr Chairman, I would also point out that he always brought his amendments on time, as well.

1500

**The Chair:** May I take this opportunity to remind members who may wish to bring proposed amendments into the committee of the whole House—as members can see, when we are not provided with copies it adds a not so interesting delay to the work of the House; therefore, I think you cannot provide a better example of what not to do. I would appreciate it if next time all members would bring sufficient copies to give out to the opposition, the minister, Hansard, translators. Are we ready to roll? Fair enough. Would the member for Simcoe West (Mr McCague) move—

**Mr McCague:** Mr Chairman, my apologies to you and the House for not bringing sufficient copies of the amendments which I did not know I was supposed to bring in the first place. I suggest that if the Minister of Transportation (Mr Wrye) could see his way clear to put another lane on the Don Valley Parkway, the member for Markham might be here by this time for his scheduled 2 o'clock arrival.

In any event, I am aware that there was an exchange yesterday between the minister and the member from Markham in which the minister said that three loopholes that the member for Markham had pointed out in fact did not exist. Unfortunately, I am not able to piece that all together and determine whether this amendment is appropriate or not. Two days ago it seemed appropriate. After the minister's words, it may not be appropriate, but I have no choice but to put it at this time.

Section 5:



**The Chair:** Mr McCague moved, on behalf of Mr Cousens, that subsection 6 of section 5 of the bill be amended by deleting the words "or such later date as the Minister may permit" so that the subsection would now read:

"(6) Subject to subsection (7), the fact-finder shall submit his or her report and recommendations, if any, to the minister, the employer and the local by 30 June 1990."

Would the member have an opening statement in support? If not, would the minister wish to respond?

**Mr McCague:** My opening remarks did, I think, prompt a reply from the minister.

**Hon Mr Phillips:** If I might respond to it, the existing language we have in the bill is very common. The reason for that is that in the very unlikely possibility that the fact-finder, for example, were to get sick for a period of time or there was a strong legitimate reason why it was impossible to get the fact-finder's report out by 30 June, that discretion is available to the minister. As I say, it is a very common thing and it is only to be used in those sorts of circumstances. I think it would be a mistake to support the amendment in this case or, frankly, in any other case similar to this, because I do think one needs that final possible discretion for those kinds of eventualities. As I say, it is very common in bills such as this.

**The Chair:** Any comments?

**Mr McCague:** The Minister of Labour has not been in this House as long as some of us have. I well recall, in the past 15 years, members of his party, when they sat on this side of the House, complaining loud and clear about any kind of discretion being given to the minister to extend deadlines or whatever, for whatever reason, good or bad.

So I guess we have been reading some of the past Hansards, and in this case we are wishing to read back to the minister some of the gist of the comments that were made by his party prior to five years ago. The member for Essex-Kent (Mr McGuigan) is smiling; he never heard that, I am sure, in this House at any time.

However, the minister being a most trustworthy person, who is now holding the office of Minister of Labour, I think we should grant him that right. I do not have any personal problems with it.

**Mrs Marland:** I just wish to emphasize my support of this amendment. I heard the minister's answer that perhaps the fact-finder might become ill. I think in that eventuality there is always

going to be somebody else doing his work or someone else to whom direct responsibility can be transferred. I really think that it is very important. Obviously, the fact-finder is not going to start preparing his report on 29 June or perhaps even 20 June. I think that to avoid the kind of thing we have experienced in these last few weeks in terms of the effect on public transit, this kind of amendment must be accepted by the government.

I would think that if the government were quite sincere in being fair to both the management and the union, management and labour, it would be quite happy to have this amendment carry; because at least, then, everybody knows what the rules are, everybody knows what the ball game is and the dates are firm, the commitment is firm. I would hope, with respect, through the chair to the minister, that he would want to make a firm commitment so that the rules are laid out and everybody knows what they have to comply with. As soon as he introduces some flexibility into that date of 30 June of next year, then with flexibility the date does not stand, quite frankly. To have a parameter set out that is firm means that everyone knows what it is and there cannot be any gamesmanship around that date when close to that date arrives.

**Mr Cousens:** I am trying to get caught up here briefly with what was happening. I just wondered if the minister had any problems, whether or not we were giving enough time for the fact-finder to complete his report. I do not think the minister had a comment on that. He has options within the bill to extend his time to do it. Maybe he could give us some comment on how much longer he might need, other than 30 June?

**Hon Mr Phillips:** I was going to wait until all the comments, but I can comment on that. I said earlier in the debate the I think 30 June or earlier for the fact-finder—the only reason for putting the provision in that at a later date, possible by the minister, as I said earlier in the House, is in the extreme possibility that the fact-finder, for example, were to be sick for a period of time, that we have that minor discretion to allow it to be later. But clearly, 30 June is the date the fact-finder's report must be out by; or earlier, by the way.

**1510**

**Mr Cousens:** If the minister is talking earlier, how much earlier? Maybe this whole thing could be brought forward. What are his intentions if in fact it could be done faster? I had a sense there was no possibility of it being earlier.

Interjections.

**The Chair:** Order, please. Any more comments on the proposed amendment? The member for Markham.

**Mr Cousens:** To me, I guess there is a lot of background that hopefully will come out through our committee discussion and review of the bill today. This is purely one amendment that just ties it down. The minister is one of these great fence sitters who is capable of sort of looking at both sides of the fence and wondering where the ash is going to be or the wind is blowing and then when it is just the right time he will jump down in either direction and—

**Mr Dietsch:** Just be thankful there are no pickets on your fence, Don, or you would have a real problem.

**The Chair:** Order, please.

**Mr Cousens:** He said something about if there were pickets on my fence, I would have a problem.

**The Chair:** Order, please. No interjections, and please ignore the interjections.

Interjections.

**The Chair:** Order, please. One member at a time, please. Everybody will have the opportunity to make comments if they wish, but one member at a time. The member for Markham, please.

**Mr Cousens:** Thank you, Mr Chairman. I welcome any suggestions that are going to help us come up with the kind of legislation that I believe is in the best long-term interests of all parties involved. I think part of the concern we have had right from the very beginning is that there is always going to be someone unhappy when you have to bring parties together against their will and when you have to bring out a solution that is not a negotiated settlement. That has to be our first desire. It has been the best way ever since we have had it and we are living in an age in which that has to be our first hope and our first aspiration as members of the Legislature, to see that that is the case.

The fact of the matter is that the government is now involved and is involved very, very deeply in what is going on. I have to say that I was not all that thrilled at some of the comments that came back from the minister when he was doing his wrapup yesterday. I do not know if it was for any reason that he failed to answer the questions I asked initially in the House, whether it was deliberate or accidental that he failed to answer those questions. But it begins to cast a light on the amendments and on the debate today if in fact he

had some ulterior motives. Quite candidly, when we were in the House yesterday, I had a chance to ask the minister when he got involved and I tabled a number of others. Maybe the context of these amendments can be somewhat changed if the minister would now consider answering those questions.

I asked the question yesterday as to when the province became involved. This whole motion we are making as an amendment has to do with timing. I would like to know something of the timing, when he started getting involved in this thing. Maybe the minister could comment on that.

**Hon Mr Phillips:** If it would be helpful, I would be happy to, because the approach we took on this issue was exactly that which I think a Minister of Labour should take on future issues, one very consistent with the philosophy I hope all of us support, and that is to let the collective bargaining process work and not involve the province.

The time I became involved in the issue was when our office received a phone call from the head of the commission requesting the meeting. Frankly, I had avoided being involved in the issue. I just think it is wrong for a Minister of Labour to get involved in collective bargaining, but when the head of the Toronto Transit Commission requested a meeting, I agreed to it, frankly reluctantly, but none the less I agreed to it.

I would also say that at the same time I invited the union to meet. I felt it was important that if we were going to meet with one side, we meet with both sides. Actually, it was a very public invitation too, as members may or may not be aware.

When did we become involved? I think it was about two and a half weeks before the end of the dispute and it was at the request of the political head of the commission. At the same time I agreed to meet with her and the chairman, I also invited the union to have a similar meeting because I think it is important that we be balanced in these things, that we not be seen to be on one side or the other, but trying to help to resolve it by the collective bargaining process.

I do not know whether that is helpful. I simply ran out of time yesterday and the member had left. I was not sure he was still keen on that particular issue, but I hope that has elaborated it for him.

**Mr Cousens:** I thank the minister. I guess the problem we have in the Legislature now is with the communications techniques we have avail-



able. You can be on the phone and you can turn it off and you suddenly see the minister turning up, so you are just on standby when it is going on.

There were the original statements that were made by the Premier and the minister himself during the escalation of the slowdown. I would be very interested in knowing how he really put that together. The slowdown was getting worse. We saw signals coming out of the negotiation room that negotiations were going very badly, although efforts were being made by mediators from the ministry. I would like to get a sense of his information during that period of time. Was he being apprised on a daily basis? Was it something he was being briefed on, and were there briefings going back to the Premier so that he was in a situation to understand what really was going on and just how urgent the situation was?

If there is one thing that seems to be part of the whole debate we are having here—as I have talked to commuters who were using the service or the lack of service and faced the problems during the slowdown, they had a real sense of being alone in the greater Toronto area. It would have appeared to them by virtue of the statement that was made by the Premier and also by statements that the minister was making that in fact the ministry was really going to have a hands-off approach.

The Premier's statement was one in which he said: "Everybody is over the age of 21. I am satisfied. They are all big boys and I'm not going to get involved." He made that as a very strong statement, and yet none the less, during that period of time, the minister had to know that it was becoming far worse a situation. Businesses were suffering in the problems they had. The people who were using the service were going through it. The employees and the TTC, the management, were really going through it in a way that they have not gone through it in years. The whole thing was a bad scene.

By virtue of the fact that his ministry and the statements made by the Premier and himself led people to believe that there was no government involvement, can the minister give us a sense of just the degree to which he were involved during the process? I realize we are still in the middle of that process because, though things will be resolved this afternoon. This bill will be voted on and we will be considering these amendments, but we are still close enough to it that memories are strong enough that I would be very appreciative of having a sense of his involvement during that whole period of time.

Perhaps he could also comment, because it is germane to everything we are doing, on the degree to which, the way in which he was communicating with the Premier about what was happening. I had a feeling when he made his statement on 6 September that he really did not know what was happening. Maybe he did or maybe he did not and what the minister has to say could be very helpful.

**Hon Mr Phillips:** I think it probably is important to talk a little bit about this because it is, I think, rather fundamental to the collective bargaining process.

The people who manage the TTC are not the province. They are the TTC commissioners. That is their responsibility. They are, in quotes, the management, and then they have several unions, including the Amalgamated Transit Union, Local 113. It is clearly their responsibility. Everything we did through this process was designed to reinforce that. Believe me, if the province begins to involve itself in disputes such as this, there is a slippery slope from which we will never recover.

The Premier was involved to the extent that he reads the papers. He knows what is going on. But he comes at it from a fundamental belief in the collective bargaining process, as I do. Every comment that we made throughout it was designed to reinforce that. That is why I think it would be a big mistake for people to believe that the responsibility for solving labour-management disputes in a collective bargaining environment rests with the province. It does not; it rests with the parties.

## 1520

That is what this bill is designed to do, very clearly, to say to the parties that because of the immense disruption and the fact it went on for five weeks, we are prepared to end the dispute, but we are not prepared to arbitrate a solution to this complicated issue. We want that to go back to the parties using the approach of the fact-finder, laying out the facts before the two parties, and the public by the way. I think that will prove to be a useful exercise.

Back to the point, throughout the process, the statements I gave and the Premier gave were consistent with that philosophy. It was only when the head of the Toronto Transit Commission requested a meeting with myself that I agreed to it, and I agreed to it reluctantly.

As I said earlier, at the same time, I invited the union to meet with us because I think it is a mistake to be seen in a dispute such as this to be on one side or the other. With our industrial



relations division, we are trying to help the parties, where necessary and where requested, to solve their disputes. But everything we did in this was designed, as I said earlier, to reinforce our belief in this collective bargaining process.

**Mr Cousens:** The moment anyone would question the importance of the collective bargaining process to be carried out so that both sides are able to come to an agreement—I believe that in Ontario we have developed a method by which we can have mediators who are highly trained and highly skilled and capable of bringing groups together. I have been in those situations at the Royal York Hotel where people think you are eating shrimp and caviar, and really you are going for hours and days without sleep and worrying about how you are going to get it solved. It is so refreshing when the door is knocked upon and the mediator comes through and says: "Look, can I have a chat with you for a minute? I have another suggestion."

On the mediation process and the whole reconciliation of differences through the collective bargaining agreement and without involvement of other sides, I want to go on the record from where I sit and where our party sits to that being a fundamental foundation block of the negotiating process. Yet I am somewhat surprised by the comments the minister has just made that in fact the Premier as of 6 September was still just reading the newspaper on the issue.

If that is what the minister is saying, that the Premier really had not been getting briefings, much the same as he would have been getting briefings, I would be interested in knowing—we have to go back a little bit. This did not just all blow up at a certain point at the end of August and then become a September crisis. It had to be an unsettling circumstance for the minister and the Premier.

I would be disappointed if it is not something the minister had regular conversations with the Premier on to make sure he was aware of what was happening, so that he was satisfied that the processes the minister was following, as minister and by his ministry—it is not just the minister running the ministry. There is a team of people there who help make it all happen, but the political involvement of the government and the minister is a matter of great consideration in the manner of saying, "Hey, look, the timing is right."

In 1984, when the then Premier made a decision to become involved in the whole resolution of the differences between the TTC

management and the union, it was in advance of what was happening.

In this situation, I am not calling for that, but I have a real sense that there was a surprise that took place. It was a surprise to me after the comments that were made by the Premier on 6 September that he was not going to get involved. I think if the minister will recall—I do not have the statements but I did listen to him, as I know thousands and possibly millions of people did in Toronto when he was interviewed on radio stations—certainly on one of the prominent stations—when he was having a hands-off policy at that time.

Yet at the very same time the minister was getting—I would have thought but he is saying no. I would have been almost assured that there would have been people who were calling upon him to say: "Mr Phillips, you have had a great deal of background with negotiations through your school board experience and through your whole background. You cannot have been chairman of the Metro school board and not have gone through this."

For the minister not to have had a more personal involvement until the very last time when Chairman Tonks gave him a call is something that is still a mystery to me. I do not know whether the minister sees the significance of that. Did no one of any matter or any significance get through to him? Were his phones on? Was he not available for comment? I am just concerned that the Minister of Labour was not being kept informed, because from where I was sitting, well over a week before the Premier made his statement about no involvement, I was beginning to really be afraid about the way the discussions and the negotiations were breaking down.

Before the slowdown came into effect, was the minister briefed and aware? Was he involved in that? Did he look at any other options before he had the phone call from the chairman of Metropolitan Toronto? Were there any other people who contacted him and asked him to get involved whom he rejected because they were not important enough? Maybe the minister could comment on that for a moment, please.

**Hon Mr Phillips:** It is getting a little repetitive, but I will.

**Mr Cousens:** With all due respect, I have not had the answers, so if it is repetitive, I can keep asking. I think we are owed the answers and the forum is here in the Legislature. I do not want to go out and get a press release that is slipped under the door of everybody's place around here. I do

not think the Minister of Labour acts like that. I think he is big enough and man enough and honourable enough that he will be able to answer the questions, and if the honourable members in the House want to listen to him, I very much would like to.

**Hon Mr Phillips:** I will try again.

Again, I say what I have said in each answer to the honourable member, because it is so fundamental to what we are trying to do: What I am trying to do as Minister of Labour is to not involve ourselves, not involve the government, in collective bargaining. There are, I think, 3,500 collective agreements reached each year in this province, reached in most cases, in the overwhelming number of cases, through professional collective bargaining between the two parties.

My involvement from the outset was consistent with all of my other involvement in the collective bargaining process, which was to say—I was aware the mediation was going on—to any party that we were not going to be involved in this, that it was up to both parties to resolve it. Certainly, if the member casts his mind back to that time, it was a very public display of where the negotiations stood. They were having difficulty—there is no question of that—but my consistent message to the public was that we were not going to be involved in the process.

We have at our disposal—the member was right—extremely competent, professional mediators who are able to be helpful to both parties. The reason they will be able to help both parties, by the way, is that they are seen by both parties as neutral. So our mediators were involved on an on-and-off basis with the parties, but each time someone would ask me, I would say the same thing, including on 6 September, earlier and later than that, “It is up to the parties in this dispute to resolve their differences.”

**Mr Cousens:** I am not totally satisfied but—

**Mr Miller:** You never will be, Don. You wanted to make it an issue even before it came to the Legislature.

**The Chair:** Order, please.

**Mr Cousens:** The honourable member says I was trying to make it an issue before it even came to the Legislature. I will tell him this much. The honourable member should recognized the fact that if you had lived in or been around the greater Toronto area during the slowdown—

**Mr Miller:** We were.

**Mr Cousens:** Then he should have been doing something more and ringing his doorbell to try to

get them to do something, because it was obvious to the people around Toronto that it was not merely a matter of great concern to the people of the Toronto area. If there had been more of a statement, if there had been some sense that came out to the public that the minister was at least aware, at least concerned—it is almost as if there was a hands-off policy that was part of the government's tactics on this as, quite candidly, it has been in response to the questions that my honourable friend the member for Parry Sound (Mr Eves) asked the Minister of Health (Mrs Caplan) on issues. It is as if oh, everything, she is just concerned and there is no real problem. For those people who are the users of the system there was a problem, and what was coming through from the minister was a sense that it was not as serious and significant as we thought it was.

### 1530

I will touch on another area of concern that comes out of yesterday's remarks made by the Minister of Labour. I have to be concerned with his prognosis for the future. I am sitting here worried about the fact that the slowdown may be over now but we could be facing a similar kind of disruption not too far in the future, and that probability is not removed by the bill that the minister has prepared and presented before this House and when I read the remarks that the minister gave yesterday when he said:

“The Labour Relations Act says that a strike includes a slowdown or ‘a concerted activity on the part of employees designed to restrict or limit output.’ The bill prohibits strikes during the term of this agreement, so that we will not see a slowdown or a lockout in the dispute.”

I would have to ask the honourable minister, by virtue of that statement, is that a guarantee? Because he has an understanding of what a slowdown is all about. I would be very, very interested in some elaboration on that, because if there is anything which is part and parcel of the amendments our caucus is bringing forward today, it has to do with the concern that the issue, though temporarily resolved—and there is gratitude around the fact that we will pass it today and things will be in place and all parties seem to be generally accepting of the view—but I have not got a warm, warm feeling about what the minister said, “The bill prohibits strikes during the term of this agreement, so that we will not see a slowdown or a lockout in the dispute.”

I think the lockout would be far harder for management to impose, but a slowdown may well be far more difficult to define. Could the minister elaborate on that, please?



**Hon Mr Phillips:** I hope I can give the member a warm feeling on this and close to a guarantee. In fact, knowing the two parties, I could give a guarantee because both parties in this dispute are honourable, professional organizations. The only way there can be a slowdown is if one party or the other breaks the law, and I know neither would. This settlement, this act prohibits a strike during the term of the agreement, which is for two years. A strike under the Labour Relations Act includes, as I said—and the member can reread those words again—exactly what I said yesterday.

I hope the member feels warmer now than he did before, because I do think he can leave tonight comforted that there will be no slowdown during the term of this agreement. That is consistent with the Labour Relations Act. I repeat, knowing the two parties in this particular dispute, I know the member can take that as a virtual guarantee.

**Mr Cousens:** As a businessman who likes guarantees, when you buy a product, you look at the guarantee, but you also check the credentials of the company to fulfil the guarantee. If the minister is guaranteeing something that is outside of his control, he is putting himself in a position where it would not be at all difficult at this point to put that right into the bill, so that we have a sense of knowing it.

**Hon Mr Phillips:** It is in the bill.

**Mr Cousens:** Well, by virtue of the fact that what could happen by virtue of not having an agreement during this period of time, by virtue of the fact that there are loose ends in the 30 June time frame—right now we are optimists. The minister is an optimist, he is excited about the fact that this is going to be finished, and so are we all, but I am not so satisfied that the problem is going to be put away totally, because after 30 June we are in a position where we have a year in which there can be turmoil, discussion and deliberations that lead to a breakdown. Then a year after that, the same issue could come back on the table again. May I say that becomes a matter of concern to all of us because the last thing we want to see is that the TTC is into the same position that we have been in during the month of September.

I notice that it is not a total guarantee that the minister is giving. I think that, again, his own honesty prevents him from giving that kind of guarantee. I appreciate that fact. I think it would have been good if he had been able to, but I also understand how difficult it is on matters like this. But that is why I would like to have more

satisfaction inside that we know how the future is going to be written, because today we will have written a bill that had those loose ends tied down.

**Mr Haggerty:** You could apply that same scenario to your leadership race.

**Mr Cousens:** I will disregard the comments, because I think they are some of those comments that are very hurtful and one never knows how we are going to apply these lessons to the Ontario Progressive Conservative Party. I can tell the members that one thing we hope to have is a better resolution to some of the concerns we have than what I see being proposed by this government.

I want to ask the honourable minister if I could get some comment from him on his willingness to arbitrate issues that are already agreed to, but not the issue of part-timers. Why is it that the minister had to put everything through in the bill that had been agreed to already? Was there not any other mechanism or any other way that he could have dealt with this rather than dealing with all those issues, referring them all to arbitration?

**Hon Mr Phillips:** On the one hand, the member wants all the loose ends tied up and he wants all this resolved so he can have the warm feeling. On the other hand, he is prepared to leave some loose ends. I do not think we can have it both ways. I think we have to have within the bill something that resolves the dispute, so we are referring those matters to arbitration.

My hope is that the arbitration process can be very short. It is my hope, consistent with my whole philosophy here, that the two parties reach an agreement. I hope the arbitrator has virtually nothing to do, but we have got to make sure that all of the loose ends—to use the member's terminology—are tied up, so that he can, as I said earlier, have a warm feeling when he goes home, so that he knows, he is comforted that there will not be a disruption for two years. He has got the guarantee in here because of the Labour Relations Act. I think he should feel very comforted that our arbitrator will deal with all those matters.

**Mr Cousens:** I like the minister's response. I think that has to be our hope, that the arbitrator will not have a lot to do. If that is the sense the minister is getting through his discussions, that is the kind of thing that at least puts all of those issues, which were hopefully settled, away.

We have before us the amendment that has been made. I am wondering if the minister has any reason to not accept that interim deadline we are looking for, of 30 June, as we have proposed in this amendment. It could be a way of just



knowing what is settled. Is there any reluctance on the part of the minister to stay with his own bill or is he willing to consider this amendment as something that he is willing to go along with?

**Hon Mr Phillips:** I am not willing to go along with it, for the reasons that the member has outlined, and that is I want all the loose ends in this thing tied up. I do not want to be in a position—if there is some unforeseen happening and the fact-finder cannot meet that deadline, then I want that little flexibility that we can allow that to happen. But I assure the member that 30 June, or earlier, is the date the fact-finder will be working towards and will in fact deliver on. But, as I said earlier, in many bills such as this it is important to have that little opportunity for those extreme circumstances to have some time for the fact-finder to complete the report. Again I say I cannot accept the amendment, because I want to make sure we leave here with all of the loose ends tied up.

**The Chair:** Any more comments?

**Mr Cousens:** I will leave that one as it is, Mr Chairman.

1540

**The Chair:** Any more comments from anybody on the proposed amendment to subsection 5(6)? Are we ready for the vote?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negated.

**The Chair:** Would the member from Markham help us since both proposed amendments are to subsection 5(8)? Which one would the member prefer to bring forward first?

**Mr Cousens:** I will bring forward the short one.

**The Chair:** Mr Cousens moves that subsection 8 of section 5 of the bill be amended by inserting the words "for a period not to exceed 90 days after the day on which the parties received the fact-finder's report" between the word "faith" and the word "to" in the second line so that the subsection would now read:

"(5(8) If the fact-finder issues a report, the parties shall bargain in good faith for a period not to exceed 90 days after the day on which the parties received the fact-finder's report to attempt to settle the unresolved issues in the staffing dispute, including the use of part-time workers."

Would the member have an opening statement?

**Mr Cousens:** It goes along with the concerns that we have expressed earlier and in my remarks yesterday. It is part and parcel of the worry that I have that there is going to be a possibility at the end of the time, on 30 June, assuming that is the date. We cannot really work on that date because my previous amendment was not carried, but there would be a period of time—let us say by our amendment it would be 90 days; that would have put it to 30 September if we had kept our original time frame—and it would have given both parties an opportunity to review and consider that information.

It would be fresh information in some respects. It would be a rehashing of things they already know. There may be some insights there that will be helpful to them in trying to address the concerns they have. It respects the need for a legitimate time frame in which they would try to work out the details of an agreement. It respects both sides as having that right. It also respects the need for the public at large to know that it is not going to go on again, it is not going to go on for ever.

What is happening now, by virtue of the way the bill is written, is there is not any sense of knowing when these parties are going to have it solved. What we are saying here is the fact-finder issues a report and the parties will bargain in good faith to attempt to settle the unresolved issues in the staffing dispute, including the use of part-time workers. How long can those negotiations go on under the present bill? Is there any time frame? Maybe the minister can comment on that. How long can they go on just discussing that without coming up with a resolution?

**Hon Mr Phillips:** This amendment and, I think, the next ones the member is going to propose are all linked together, designed to lead to binding arbitration on the fact-finder's report, which is totally inconsistent with the approach we are taking on this. Which is to say, this is an important issue for both parties to find a lasting solution to. I realize, from the commission's point of view, it has a strong belief that the part-time workers can be of assistance to it. From the union's point of view, it has some strong beliefs.

Frankly, as the Minister of Labour I do not take a position in an issue like this. I believe this is an issue that has to be resolved between these two parties, and it would be wrong of us to put a gun to either party's head if in fact we are designing this bill to provide the forum and the vehicle for them to resolve the issue.

So that is exactly what we said we would do. We have got some time between now and 30 June at the latest for an objective study to be done of the part-time issue, for both parties to input into that, for the necessary research to be done, for the whole thing to be laid out for both parties in a factual and—I think important—independent way for both parties and, by the way, the public, because I think this is an issue that the public, as the member said earlier, has been involved in and is interested in. That will be done by 30 June at the latest.

As you will see in the bill, we compel both sides to bargain in good faith around that. Now I cannot guarantee that the two sides will reach an agreement on this. It is, as I say, a fairly fundamental issue for both of them. But I can say that with the passage of time this public report, which will lay out for both sides and for the public the facts, the high interest that both sides take in this and the recognition that this is an issue they must both come to grips with—because I know that neither side took any solace at all in the dispute. Both felt terrible about it.

This amendment that is being proposed is designed to set a framework that would lead to a binding solution to the fact-finder's report. I think that would be dead wrong. Once again, we are going to force, with a gun to the head, a solution when we have an issue here that requires both sides to look at it and take the time necessary to find that lasting solution, whatever it may be. I hope the member can tell by the tenor of my remarks that I will be opposing this amendment and the ones that follow, because they are designed to lead to an imposed settlement on the parties when, in our belief, a solution rests in a collective agreement on the issue.

**Mr Cousens:** Maybe what I should do, and with the House's permission I will, is bring forward my second amendment because it does tie in together and we can be talking about both amendments at the same time. With the House's permission, I will bring forward my second amendment, which is of some length. Is that all right, Mr Chairman? I think there would be some value in tabling my other amendment at this time, and we could consider them both in debate at the present time, if that is all right. I will move an additional amendment now which is also a part of that subsection. If the House agrees, we can do it.

**The Chair:** There is one already on the floor, and I would rather deal with this one first and then we will deal with the second one. Dispose of this one first.

**Mr Cousens:** That is fine. It does tie in. I will bring it forward in a moment.

I asked the minister a question. What I hear the minister saying is that he does not know when he can expect to have the matter resolved after the fact-finder's report is tabled. I like the fact-finder process, by the way. It would have appeared from the minister's comments that there may be some people who are opposed to a fact-finder doing a study and laying out both sides of the matter. I think that is an excellent way of making sure both sides understand all sides of the issue.

I think it is important that the public at large as well appreciates that fact, because it does become a public document. What the minister has said is that there is no time frame, yet the bill he has ends on 30 June 1991. What he is really saying is that the negotiations could still be continuing beyond 30 June 1991. Am I right about that date? That is when all strike action cannot be part of it? Is it 30 June 1991, which is within the bill? Therefore, on 1 July 1991, on a Blue Jays game in downtown Toronto when we want to get everybody using the TTC again, we could be faced with another strike if it has not been resolved by then.

What the minister is saying is there is no time frame for them to resolve matters that are contained in the fact-finder's report and he is saying therefore that he hopes it would be resolved by 30 June 1991. There is no way of knowing it will not be if in fact both sides continue to be intransigent in their position. At that time, he will have little choice but to get involved again, if it looks like another strike on 1 July, because we will be on a calendar at that time in the Ontario Legislature. Is the minister saying that is not a possibility?

1550

**The First Deputy Chair:** Minister.

**Hon Mr Phillips:** Mr Chair, welcome. Yesterday I did not get an opportunity. I want to congratulate you on your new position.

Collective bargaining always has that as one possibility. This contract will expire on 30 June 1991, essentially two years from now. Again, we are dealing with two organizations here, the commission and a union, that are both sincere groups that I know want to avoid any disruption and will be bargaining in good faith at that time. But part of the collective bargaining process is that there are opportunities for both sides to impose sanctions if they cannot reach a collective agreement, and I hope all of us in this room support that.



I cannot guarantee that after the expiration of two years there could not be a disruption, but I think both sides have been through this process now. They recognize how difficult the issue is. We have given them the ammunition now, and the tools, to reach a settlement. Frankly, I am quite optimistic about the prospects for the two parties to resolve this difficult issue between themselves. I think we are going to find that, actually.

**Mr Mackenzie:** I do not intend to participate at any length in the debate over these amendments, but I think there are a couple of comments that are worthy of being made.

First off, I have a little difficulty with the member's argument that he was making earlier that the ministry should not get involved. I do not disagree with him on that at all, but then insisting that we should get involved in effect, which is what the amendments say in terms of the real issue that caused the problem, and that is the use of part-timers, if it is the intent of the member to open up the dispute again and really set it racing down the rails, that is exactly what he would do with these amendments. It does not make a hell of a lot of sense, in my opinion.

It seems to me that the part-time issue was not just this contract, although this is the time when the commission decided it was going to make this its stand to give it the flexibility and the right to use part-timers and the union officials saw it as the wall that they had to put their backs to. What they have is a fact-finder and a study of the importance of the issue. As I read into the record yesterday, there are a number of very positive recommendations that were made by the union that the commission would not look at. Maybe they have some alternatives to the straight part-time issue, I do not know, but the facts are that while this year that became the crux, it is something the commission has tried to get in the last couple of sets of negotiations.

What we now have is a fact-finder who will look at what has happened. It is not binding, and I think that is the way it should be, because I do not think they would have got the agreement or would get an agreement otherwise. The whole issue will be looked at; both sides, union and commission, will then have the opportunity to put on the table what they have as the suggestions for this; and obviously it will be the major issue in the next contract negotiations.

I think both sides will be on the spot at that point in time. They will have had the benefit of the study done by the people who are looking at the issue. They will have had the benefit of its

being much more public. It should certainly get released to the public once the study has been done. They will have the benefit of suggestions that are actually being made on both sides, and if at that time they cannot come to an agreement, yes, I still believe in the whole process of free collective bargaining and they will have to decide. But they are going to be much more under a public microscope at that point in time and proposals are actually going to have been made.

To put the compulsory nature on them now, which does not give them a chance really to bargain if one side or the other totally disagrees with the recommendations that are made, I certainly know—I do not know from the commission's point of view, I do not think it is happy at all with this part of the recommendation, but from the union's point of view, it would be deadly.

I think that what we have done here is the proper thing in terms of taking a serious look at the issue of the part-time workers and I think it should stay that way, and that does not make me love the bill any more.

**Mr Cousens:** By the way, I would like to just compliment the new honourable member who has taken over the chair as the First Deputy Chair of the Committee of the Whole House. It is very good to see you in such an active role in running the affairs of the Legislature from the Chairman's chair, rather than from your own here in the House, which you have been doing for so long.

**The First Deputy Chair:** Just remember, they are writing all this down.

**Mr Cousens:** We will be watching—I am completing it now; I am going to carry on—we will be looking to see that the actions and the leadership that you give from your chair now as the First Deputy Chair is similar to the kind of leadership that you gave from the second row in the opposition. And we will be listening with care. Anyway, I think it is a time for compliments. I trust that the honourable member will enjoy listening to all the debate. It is really one of those opportunities to earn his pay.

First of all, I appreciate the fact that the member for Hamilton East (Mr Mackenzie) would disagree with the amendment and disagree with where I am coming from, but I appreciate his view and I appreciate the way in which he has shared his insights on it now. I think one of the things that came through from the member for Hamilton East is that I do not see him taking sides on the issue either and how it should be resolved. I do not see him taking the side of the union



members or the management on resolution of the part-time issue. I think that is quite amazing from the member for Hamilton East, because normally he has a kind of a heavy bias for one side or the other and he did not show that bias in his latest remarks. As a member of the New Democratic Party, maybe he is softening up in his return to the Legislature in this session.

I feel like a record that is kind of locked into a little zip and I am going back over it. I have to make the point—I have made the point—I am not satisfied that the minister's answer is an acceptable answer with regard to the time that could be taken to settle and resolve the fact-finder's report. All I have asked on this matter is that the fact-finder's report has a duration during which both parties—and if they want to meet day and night, they have a 90-day time frame, which is ample time to get it solved. At the end of that time, then my next motion is going to kick in certain other things that would have come into effect. Once I have that tabled, we will discuss some of the ramifications that they bring to these negotiations.

I guess to me it brings out one other question, and it has to do with their reluctance as a ministry and as a government to become involved at all in these negotiations, especially as they began to break down between both parties, the TTC and the union Local 113. I therefore begin to wonder whether or not, once this bill is passed, the minister's hands are washed of the entire situation, or is there any plan that he would have at any particular time if those negotiations did not continue as planned, if they broke down? Could he tell us what action he would take at that time?

**Hon Mr Phillips:** Mr Speaker—is it Mr Chairman? It is Mr Chairman.

**The First Deputy Chair:** I never understood this either. When you sit in this chair, it is the Chairman. When you sit up there, it is the Speaker, no matter who is there.

**Mr Cousens:** It's still the same old guy.

**The First Deputy Chair:** Still the same old guy.

**Hon Mr Phillips:** I go back to the central theme of what I have been saying for a considerable period of time, and that is that surely collective bargaining is done between the two parties. The minister should not be involved. We do have an industrial relations division that can be helpful to the parties if they so request. Certainly if we could be helpful to the parties, if, for example, the fact-finder's report comes out and both sides would find it helpful for us to be

helping in mediation, we certainly would be available. But as minister, no.

I said earlier I think there are 3,500 collective agreements each year in this province and they are reached because both parties recognize it is their responsibility to resolve the issue and the government and the minister are not going to step in and resolve the issue for them. The industrial relations division can be helpful, at their request.

So the answer to the member's question is that I think that the process is the right one. The fact-finder's report will be put out. If they require mediation services, those things are available, if both parties require it, and that division can be as helpful as both parties want it to be. But in terms of the minister being involved in it, I think it would be wrong and contrary to the things we are trying to do with this bill.

**Mr Cousens:** I want to be very respectful of the minister at this particular time. I do not want to say anything that is unparliamentary. I would not want to put words out that say that I think he is speaking out of both sides of his mouth. That would not be parliamentary, so I would not put that on the record, but I have those feelings, because on 6 September the Premier said, "We're not going to get involved," and then last week they got involved.

Now I am saying to them, if the negotiations break down, will they get involved and what intentions would they have at that time to do something concrete? Will they be able or prepared to do anything at that time?

**1600**

What I just heard back from the honourable Minister of Labour is: "No way. All things will go on in due and careful process. We trust the process." Hey, we all trust the process, but let's have some kind of time frame in which we are going to be able to allow that trust to continue before things deteriorate and he then has to break the word, because he just finished saying no, he will not get involved.

I do not think there is anyone in this House who does not believe that he will not get involved when in fact there is a total breakdown in those negotiations and we face another slowdown. Why not face up to that right today and have the whole thing wrapped up?

He has not closed the loop. We have made that point and I am saying to him that if he was really believing what he just said, he really is inconsistent with what has happened. On 6 September, "We won't get involved." Later in September they got involved. Now they are involved and he is saying, "Oh, well, we'll let them do due

process and we won't get involved if anything happens."

I do not think there is anyone in the province who believes that statement, and I say that as an honourable member to another honourable member. I just have to believe that he would care enough about this whole process that he is going to—for the same reasons. Is the only person who is going to call him Mr Tonks, the chairman of Metro, who is going to come along and say, "Hey, Minister of Labour, we need to get involved"? Is he the only person who is going to ring the minister's doorbell and cause him to start getting involved, or is it going to be the ground swell of public opinion?

Sometimes I wonder what it takes to get ministers of the provincial crown to get involved in things. He is saying now, "It's all settled today." The people of the greater Toronto area need to have a little bit more comfort than that when it comes to what is going to happen or what could happen if in fact these negotiations break down.

That is what my next amendment is going to lead up to. It is not just a fickle, facile amendment. It is saying, "We want to have some sense of security that this is put away, it's not just on the shelf to come down during the next election campaign."

I know for a fact that Mr Bourassa happened to succeed when he went back to the people for re-election and he won a large majority. Yet the unresolved issues that had been outstanding in Quebec for an extended period of time reared their ugly head. It had to do with the nurses walking out; it had to do with the environment situation. There was so much that was still pent up and at that time it came out.

I am saying to the minister, for the sake of everybody, when you start getting into the future, why not have things so that it is tidy, neat and clean? I am satisfied that what we are saying here is firm and valid and worth while. It is a credible amendment. It makes sense. It says that both sides will have a chance to consider the fact-finder's report. The fact-finder's report will be a basis for a good dialogue between the two parties and at the end of that time something will happen.

That is the way my amendment reads. I move it and I trust that the minister might have a change of thought when it comes time to raise his hand.

**The First Deputy Chair:** Are there any further comments on this amendment?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**The First Deputy Chair:** Are there any further amendments to section 5?

Mr Cousens moves that subsection 5(8) of the bill be amended by adding the following thereto:

"(a) If the parties having bargained in good faith have been unable to resolve the issues in the staffing dispute, including the issue of the use of part-time workers, in the 90-day period provided for in subsection 5(8), all unresolved issues in the staffing dispute shall be referred to an arbitrator to be appointed within 48 hours of the expiration of the 90-day period by the Lieutenant Governor in Council upon the advice of the Minister of Labour.

"(b) The arbitrator shall have exclusive jurisdiction to hear and determine all matters necessary to resolve any and all outstanding issues relating to the staffing dispute, including the issue of the use of part-time workers.

"(c) The Lieutenant Governor in Council may appoint the person who was appointed and served as the fact-finder in the staffing dispute issue to serve as the arbitrator of any unresolved issues related to the staffing dispute.

"(d) The powers and procedures of the arbitrator appointed pursuant to 8a shall be as defined in subsections 4(6) and 4(7) of this act and the process for the replacement of the arbitrator and for the remuneration and payment of the expenses of the arbitrator shall be as defined in subsections 4(4) and 4(8) of this act.

"(e) The arbitrator shall make an award within 60 days after the day of his or her appointment by the Lieutenant Governor in Council.

"(f) The award of the arbitrator is final and binding upon the parties and the employees.

"(g) The provisions for the execution and preparation of agreements to give effect to the arbitrator's award on the staffing dispute issue shall be the same as those provided for in subsections 6(8), 6(9) and 6(10) of this act."

Any comments on the amendment?

**Mr Cousens:** I think there are a number of points that are part of this amendment that are really integral to it.

In the first part of our preamble, we are saying that if the parties, having bargained in good faith, have been unable to resolve the issues, there is a recognition there that when you are facing such a large issue as the one now facing both the union, Local 113, and management of the Toronto Transit Commission, there is every possibility that the circumstances surrounding the negotia-



tions as they exist today could continue to be part of the negotiations as they are then. There is a chance for a cooling off process to take place between now and June 30 when the fact-finder's report is made public and both sides have a chance to work it through, but none the less there is that possibility that the issue will still be as clear in the minds of both sides, that both sides will be as entrenched in their views as they are now, that in fact circumstances might have changed to make one side even more determined than before to fight for what it was fighting for during September 1989.

When the member for Hamilton East was talking a moment ago, I had a sense that there has been a very honest effort on both sides to bargain in good faith, even now, and yet they have been unable to resolve a situation that is just—they are at loggerheads. They are not able to resolve it by themselves; a mediator has not been able to resolve it; and after this period of time, when the fact-finder has brought it out more and people have thought about it more, I just would hope that there is every reason to believe, as the members opposite have the optimism to believe, they would be able to work out their differences in that period following the receipt of the fact-finder's report.

I am saying that if in 90 days after that period of time they have not reached that resolution, then even although they have bargained in good faith but they are still not any further ahead on the issue, that means the issue is going to fester and it is going to cause both sides to become more inflamed, more disenchanted, the growing anger that can begin to be part of the relationship between both the union and the management could be something that—the member opposite has indicated there will not be a slowdown of any kind, although he could not guarantee it—there would then begin to be a growing sense of a volcano ready to erupt.

When that volcano erupts on 1 July 1991, just shy of 23 months or 22 months away or something, at that time everything will begin to happen and we will be back into the very same kind of thing or worse than we experienced in September 1989.

What we are saying is, yes, I am confident and satisfied that both parties will bargain in good faith and that they have bargained in good faith. Never for a moment has our caucus given any kind of reference or allusion or indication that there has not been good-faith bargaining going on.

## 1610

Yet what they may well be facing is one of those situations in which there has to be a bringing together of the two sides and an intruder, as they would call it, someone who goes beyond mediation and gets involved in the issue. At that point, we are saying there could well be the need for an arbitrator.

I do not like it any more than anyone else does, but if we do not do it now, we could be faced with the minister sitting across there after 1 July 1991 with another bill that is going to have the TTC all over it, ordering a resolution to this dispute. Though the minister has indicated previously, in response to the previous amendment that was placed, that he would not be doing that, that he does not contemplate it, it is not part of his thinking, I do not think I can sit here and accept that statement as a valid, true situation that would result from his own behaviour during the month of September.

I am satisfied that the minister said he would not and then he did in the latter part of September; I was thinking he could have been involved earlier. Yet now he is saying he will not get involved again. I am trying to save the minister from having to come back and face up to this issue—and all of us—by virtue of solving it now.

So here we are. Both sides will have negotiated or bargained in good faith; they are still unable to resolve the dispute, especially the issue of the use of part-timers, in that 90-day period. Then all unresolved issues in the staffing dispute shall be referred to an arbitrator.

It is not as if we have not had arbitration before in Ontario. It would almost seem as if there is a new spirit that says there is something absolutely wrong in having arbitration. I do not think it is the preferable step, I do not put it as my number one hope. I have gone through the steps that have been described by the minister, but I am just in somewhat of a state of surprise that there is not a willingness to look at that as a way of meeting the needs here and in the future. We will then have dealt with the issue.

I keep coming back to it. I know that the people of Toronto are so busy just getting to and from work, getting used to the long time it takes to travel, that they do not really care too much about what we are talking about in the Legislature this afternoon, because the system is running again.

But the fact is that they do not want to have to go through this problem a year and a half or two years from now. So we are giving the minister the authority, through the Lieutenant Governor in



Council, within 48 hours of that period of time—he could even have two years to think of whom it is going to be. It could even be the same person who was involved in the fact-finding, as we have said in this bill, who knows both parties, understands the issues, and then there is not a learning curve for that person to go through.

What we are saying is, “The arbitrator shall have exclusive jurisdiction to hear and determine all matters necessary to resolve any and all outstanding issues.” That is not any different than the powers that are given to arbitrators in other negotiations. It is really saying at that point to both sides, “We’re sorry to have to do it.” If anyone for a moment thinks I am pleased to come along and say, “Hey, we want to do this. It’s really exciting to shove it down their throats,” that is not the case at all. But we are then in a position to say, okay, someone has to make the determination and in the best interests of all parties—the two that have been bargaining in good faith but also for the needs and the services of the whole community—then that issue as it pertains to part-time workers would be resolved.

What we are doing in this amendment is following the kind of thinking that has been part of previous bills, where the Lieutenant Governor in Council can appoint the arbitrator, how he can appoint him, the remuneration of the arbitrator, how the arbitrator then has 60 days after his appointment to come forward with a determination.

If we had taken the time frame we had talked about, 30 June 1990, you have the fact-finder’s report in; you have until 30 September, that is, 90 days for both sides to look at it; then you get to 30 November, the 60 days thereafter; and if necessary, if both sides are still in that circumstance, then we are in a position to have had resolution of it. I think we then have to put into the amendment that the award of the arbitrator is final and binding upon the parties and the employees. Then this issue will have been dealt with.

I fear that there is such a history of negotiations that have gone on with different systems where there has not been that kind of resolution. What happens, as you let it grow and grow and be unresolved for an extended period of time, is that it becomes something—I hate to bring some of the comparisons, but there are some dandies with the railroad that come to mind that I would rather not draw a comparison to, because I think there are different circumstances there. But what is involved in some of the very large strikes we have had in our country, within the post office

and the public service area, is that these issues harden over a period of time, they do not soften. They become more real to the people; the battle they have fought on both sides of the argument. I thought when the member for Hamilton West was talking that he was not taking the side of the union today, and I thought it was just fantastic, that we started to have that kind of—

**Mr Mackenzie:** Hamilton East.

**Mr Cousens:** The member for Hamilton East. He has gone further east and to the left and he is doing just fine. The fact of the matter is that he was not in a position to take sides on it. I would hope that both sides under this process will have come up with a resolution.

I have to ask the honourable minister just a couple of points. Is there a precedent here to his decision on this bill not to support arbitration under any circumstances? Is he in a position to say that there is a new policy in his government that has redefined when it will go for arbitration? I would like to know just when and how he would see arbitration as something he would do.

**Hon Mr Phillips:** Maybe I can respond on several of the points the member raised, just in anticipation of wrapping this up shortly. I would like the member to put a new thought in his mind here, and that is—

Interjections.

**Hon Mr Phillips:** I would like him to try to put a new thought.

If one goes back to some of the words we have used before, we are looking for a lasting solution. Under the member’s proposed approach, which is one we do not support, it leads it to a binding solution 90 days after 30 June, but if that is a solution that both parties cannot live with, if one of the two parties cannot live with it, we are right back at negotiations, with one party, who cannot live with it, fighting the battle all over again.

So what the member is trying to accomplish with his resolution perhaps has exactly the opposite effect, because if in this part-time issue one side or the other is arbitrated a solution it cannot live with, believe me, it must tackle it and it will tackle it at the next round of negotiations, which begins with the expiration of the collective agreement, 30 June 1991.

So what we are trying to do here is to provide for both parties the most help we can in finding a lasting solution to this, so that we avoid exactly the situation the member is worried about: that is, with the next round of collective bargaining, one side or the other has a resolution it cannot live with on the part-time one.

To go back over that, what we are suggesting here is two years without a slowdown, lockout or strike, two years for both parties to look at this. The fact-finder's report comes out 30 June, and they are required to bargain in good faith.

Frankly, I am more optimistic than perhaps some others. As the member for Hamilton East said, and I think quite correctly, think about this: Six weeks ago in Metropolitan Toronto, who had really been aware of the part-time issue? The commission had, the union had, but in terms of the public, if members cast their minds back to papers and reports and things like that, it was not an issue. To the parties it was; now people are aware of it. The fact-finder's report will be public. The commission is a publicly elected body, a democratically elected body, and it will have that public report to deal with. I think the member for Hamilton East is quite correct: Both sides will find themselves under pressure to come to a resolution on it. But in my opinion, if we were to impose a binding solution on it that one side or the other could not live with, we are just delaying the true resolution of this issue.

1620

To the member's specific question about when we will impose arbitration and when we will not, I follow those fundamental principles that I outlined right at the very outset; that is, all of us support the collective bargaining process, where it is up to the two parties to resolve their issues. I hope this Legislature never has to become involved in stepping in to pass an act to resolve a dispute between the two parties. I think that is a testimony of, in some respects, failure of the collective bargaining. I will do everything I can to avoid this Legislature having to be involved in it.

I am as reluctant as I can be, at this stage, to be passing a bill, but this government felt we have reached an intolerable situation and we must move on it. But I will be guided by, as I say, those fundamental principles in avoiding, wherever we possibly can, involving ourselves in a legislated solution to a collective bargaining situation.

**Mr Cousens:** The minister is really saying—if I can put it in my own words—that he will get involved with compulsory binding arbitration when he has to; he does not really want to, but he will when he has to. Is that a summary of what he is saying? If that is the case, is he indicating now that he would be prepared, at the expiration of this bill, which is 30 June 1991, to bring forward arbitration powers that would bind both parties together on this issue? If we were then faced with

a major impasse in the greater Toronto area, do we have any sense of confidence that he will become involved and will consider how we resolve that issue?

**Hon Mr Phillips:** Actually, I hope the message is the opposite, that we will look to the parties to resolve these disputes and that I do not anticipate our becoming involved in the dispute. The message from this whole exercise, I hope, to the parties in the province is: Do not look to the province to step in and resolve tough issues for you; we really are not going to do that. That, I hope, is the message.

**Mr Cousens:** If I had the same crystal ball the Minister of Labour had and if I had the sense of optimism the Minister of Labour exhibits, if I had the sense of not being worried about what can happen with this issue again, I would say that the minister somehow fails to understand the nature of what is happening. I am not happy that there is an unwillingness on the part of the ministry to look at the amendments we are presenting. None the less, in good faith and in a way to have this whole issue put behind the greater Toronto area, we have presented these amendments in the spirit of saying that both sides will have gotten through it; hopefully, they will have settled it by themselves. If they did not, there was a mechanism to bring them together and solve it, and by then there could well be other issues that have to be worked on. So our amendment stands and we will be interested in seeing it voted on.

**The Chair:** Are there any more comments? Are we ready to vote?

Is it the pleasure of the committee that the motion carry?

All those in favour please say "aye."

All those opposed please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 5 agreed to.

**The Chair:** Shall sections 6 to 13, inclusive, carry? Sorry.

**Mr Cousens:** On arbitration, has the minister considered who will be involved. As we are proceeding now, there will be a number of plans that he would have to bring into place to put things into motion. I wondered if he could give us any indication of who will be appointed and when that appointment will be made and just how quickly he sees this going before the Lieutenant Governor for approval. Could he just give me some insight on what his plans are, especially on the appointment of the arbitrator on this?



**Hon Mr Phillips:** I am not at liberty to name the arbitrator or fact-finder today. We are fortunate in the province to have several individuals who are quite competent to handle it, and it would be my expectation that once the bill is passed we would move as quickly as we can to designate those individuals.

**Mr Cousens:** To what degree will the minister continue to be involved? Could he give me a sense of the kind of reporting back to him as it affects the involvement of both the fact-finder and the arbitrator? To what degree will the minister personally be kept informed as to what is going on? How frequently would they be making reports to him? Just in case things develop over the next year, I would like to know his involvement in the information-sharing that comes through his ministry on what they are doing. That is one part of my question.

The second part is the degree to which he will be sharing that information with the Premier (Mr Peterson), so that I would have an indication, in case the minister was out of town and something happened, how much the Premier is kept informed.

**Hon Mr Phillips:** Again, across the province we are dealing with 3,500 collective agreements. Our objective is to leave it to the two parties to resolve themselves. We are providing a mechanism for this thing to be resolved between the two parties and I do not anticipate myself being involved in it at all.

**Mr Cousens:** I guess I expected an answer like that.

**Mrs E. J. Smith:** You're finally beginning to figure it out.

**Mr Cousens:** I am finally getting it figured out. There is just one other question I had. Where is it that the minister got the information for the five per cent wage increase as outlined in section 7? Where did he come up with that number?

**Hon Mr Phillips:** It is customary in a bill such as this to provide for an interim wage settlement pending the arbitrator's award, and we felt, taking into account the discussions that had taken place between the two parties, that was a fair interim one pending resolution by the two parties with the arbitrator.

Sections 6 to 13, inclusive, agreed to.

Bill ordered to be reported.

On motion by Mr Ward, the committee of the whole House reported one bill without amendment.

## OCCUPATIONAL HEALTH AND SAFETY STATUTE LAW AMENDMENT ACT, 1989

Mr Phillips moved second reading of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

1630

**The Deputy Speaker:** Would the minister have an opening statement?

**Hon Mr Phillips:** Yes, I do, Mr Speaker.

This afternoon it was my honour to move that Bill 208, the Occupational Health and Safety Statute Law Amendment Act, be read a second time. I say it is my honour because Bill 208 is a cornerstone of the government's progressive legislative program. It is vital that we move forward with it. We are doing that here this afternoon.

We are firm in the government's commitment to the principles of the bill. We are urging all members to join us in that affirmation and to provide speedy passage so that we can get on with the business of implementing the most progressive workplace health and safety legislation in North America.

As honourable members know, the government places a high priority on the broad social and economic benefits that can be generated by a productive and competitive provincial economy. Productivity and competitiveness depend on workplaces in which health and safety are protected, in which illness and injury are prevented.

In 1988 the workers' compensation system paid out \$1.450 billion in benefits to workers who suffered workplace injury or illness. In addition, over seven million workdays were lost. Based on the average industrial wage, that cost the provincial economy over \$700 million. Those facts do not even begin to address the most distressing reality of all, the reality of the 360 men and women who died last year because of work-related causes. In human terms and in economic terms the current costs of workplace illness and injury in Ontario are unacceptable.

Bill 208 seeks to reduce these costs and these human tragedies by strengthening the integrated provincial approach to workplace health and safety that was first enacted under the Occupational Health and Safety Act a decade ago. That act was founded on the central idea that it is the people in the workplace who are in the best position to identify and minimize health and safety risks. It was designed to encourage the active, informed and committed exercise of internal responsibility by employees and by



employers, people working together on the shop floor in a constructive and mutually respectful and concerned partnership day in and day out, designed to protect occupational health and safety.

Bill 208 is designed to improve this internal responsibility system in three basic ways: first, by strengthening the employer-employee partnership at both the workplace level and also at the provincial level; second, by ensuring that both employees and employer have the training and education that is necessary to give full effect to their efforts; third, by providing greater authority for that new knowledge and that new training to be applied in the workplace so that risk of accident and disease will be minimized.

The experience of the past decade has shown that where the workplace parties dedicate themselves the internal responsibility system can and does have a major impact on health and safety in the workplace.

Bill 208 contains a number of measures that strengthen and enhance that system. Importantly, it calls for the creation of the new joint employer-employee Workplace Health and Safety Agency to take the lead role in this province in educating and in training workers and employers in effective health and safety practices.

It greatly expands the network of workplace health and safety committees in Ontario and gives the committees, consisting of both employees and employers, greater responsibility for inspecting workplaces and fuller access to information and workplace risks. It provides for much stricter enforcement of the act by workplace parties and by the Ministry of Labour in a number of ways, including, I might add, raising by 20-fold to \$500,000 the maximum fine for corporations that contravene the law. It also broadens a worker's right to refuse work, to include a concern that a work activity such as lifting a heavy object is likely to endanger.

Under the bill, some 20,000 offices and retail outlets which are currently not required to have a joint health and safety committee will be required to establish them. All joint committees will have co-chairs, one representing employees, one representing the employers.

The minimum size of a committee at workplaces with 50 or more employees will rise to four persons. An additional 50,000 workplaces with more than five workers but fewer than 20 will be required to have a worker health and safety representative chosen by the employees.

For the first time, joint health and safety committees will be required on construction

projects with a workforce of 20 or more persons where that project is to run for at least three months. A worker health and safety representative will be required on construction projects with five or more employees but fewer than 20.

The bill also provides for worker trade subcommittees on construction projects at which there are joint health and safety committees.

Under the bill, the employers will be required to provide training developed under the new Workplace Health and Safety Agency to members of each joint health and safety committee in this province. Each committee will have at least one specially trained and thus certified employee member and one certified employer member. The effectiveness of both joint health and safety committees and worker representatives will be significantly enhanced once they are armed with this training.

Committee members or worker representatives will therefore have the power to obtain from the employer information about any tests of equipment, machines, biological, chemical or physical agents at the workplace.

In addition, employers will be obligated to respond in writing to any recommendations made by a joint committee or a worker representative within 30 days of receiving them. The reply will have to contain a timetable for implementation or give the reasons for the employer's disagreement. Employers will be required to share with the committee or worker representative any information the employer has about potential hazards at the workplace or in similar or other industries.

Directors and officers of corporations will have a legislated duty of care to safeguard the occupational health and safety of workers. Employers will have to maintain and provide a written health and safety policy. As my predecessor said when he introduced the bill, our message is clear. All employers are going to have to meet the health and safety standards already exercised, I might add, by many responsible corporations doing business in Ontario.

The mandate of the proposed agency will be to develop and administer health and safety education, engage in research and consultative services, and provide advice to the Minister of Labour.

It will be responsible for overseeing the operation of eight employer safety and accident prevention associations and two occupational health clinics. It will also assume responsibility for overseeing the funding of research and five occupational health and safety resource centres.

The bill will also broaden the powers of Ministry of Labour inspectors. Crown lawyers will be able to require that charges be heard by a provincial court judge instead of a justice of the peace.

These, then, are the major changes to the Occupational Health and Safety Act that Bill 208 sets out. They offer positive benefits that will go far in enhancing workplace partnerships in health and safety.

Since the introduction of the bill on 24 January of this year, my predecessor and I and ministry staff have met and discussed its principles and content with over 80 groups representing a broad range of workplace parties. There is no doubt that there is widespread agreement among them and widespread support for the principles of forging stronger partnerships of the workplace parties, investing significant new knowledge in that partnership, and building opportunities to use that knowledge to improve workplace health and safety.

While there is support for these fundamental principles which are the cornerstone of Bill 208 and support for most of the provisions that put life to these principles, there is some concern about certain of the specific features. In order to address these concerns and to enhance the workability of this very important step forward in occupational health and safety, I would like to present some changes, and one not a change but an approach to a particularly complex question that will be proposed to the standing committee on resources development after second reading.

#### 1640

This government clearly reaffirms its commitment to the new Workplace Health and Safety Agency and the partnership it builds. It will establish without question new standards of excellence in the development and delivery of health and safety training to the workplaces of Ontario.

As a means of facilitating the building of this partnership and contributing to the excellence of its ultimate product, the government will propose amendments to the committee that would add to the agency a full-time neutral chair. The essential—and this is important—bipartite nature of joint accountability and trust in this agency would be threatened if the bill did not require the chair to be selected by the parties and to be accountable to them. There also will be full-time vice-chairs from each of business and labour, as well as four voting members representing the health and safety profession, two nominated by labour and two by business. As well, we would

propose a small business advisory committee to assist the board on relevant matters, such as cost-effective means of supporting training for small business.

In order to build an even greater partnership of employers and employees in the design of improved health and safety, Bill 208 will move the existing safety associations and the worker training centres to the aegis of the new agency and will see their boards of directors composed equally of employer and employee representatives.

To address concerns about the degree of self-determination these organizations will retain and to facilitate a smooth transition, I will propose amendments to the committee that allow these organizations to decide on their composition of the board of directors as long as 50 per cent of the representation is from workers employed in that sector.

I also propose to provide for the settlement of disputes, if any, in this regard by an impartial umpire and provide up to two years to make the adjustment.

Bill 208 expands workers' rights to refuse dangerous work so that dangerous work activities, such as lifting unreasonably heavy loads, may be avoided. The government will propose an amendment to the committee to clarify that this right is directed clearly at avoiding current or immediate dangers.

The long-term ergonomic concerns, such as, for example, repetitive strain, although of equal concern, we suggest will be dealt with more thoroughly by the highly trained health and safety committees.

The bill provides for one of the most ambitious and significant initiatives any jurisdiction has ever undertaken to improve the health and safety of workplaces; that is, the advanced training leading to the certification of one employer and one employee representative of each joint health and safety committee in this province.

In order to ensure that this is done in an efficient, comprehensive and thorough fashion, I would propose changes to the committee that provide for an orderly phasing in of the certification requirements; clarify that the sector-specific training requirements for employer and employee representatives will be identical and that existing training and expertise of candidates will be recognized in the certification and the certificate for certification.

The construction sector represents a unique situation. As I said earlier, we are proposing joint health and safety committees where 20 or more



are involved in construction because of the short-term nature of construction projects and the turnover in the workforce as projects progress. As the government creates joint health and safety committees on construction projects, for the first time we will propose several measures to enhance the effectiveness of Bill 208 in the construction sector.

First, we would propose to raise the threshold at which certification is required to 50 workers and a project duration of six months; second, we would establish a joint training board to ensure, importantly, that we have an available pool of certified members in the industry; third, to make the constructor responsible for ensuring that a certified management member is on site, and fourth, to phase in requirements for certified members to allow for a pool of certified members to be developed.

Bill 208 will see a new provision for employers to communicate their workplace health and safety goals and to gain the commitment of their entire workplace by requiring a written policy and program in the workplace. In recognition of the intimate nature of the small workplace and the best communication techniques in these workplaces, it will be proposed to the committee that this requirement be removed from workplaces with fewer than five employees.

There is one aspect of Bill 208 that has raised considerable concern, and that is the provision to stop work. Bill 208 requires that both employer and employee members of the joint health and safety committee be trained and certified in order to ensure that they have a certain standard of knowledge that would allow them to identify and stop dangerous work.

The question of the accountability for such authority is important and it has been argued that a unilateral authority to stop work is perhaps inconsistent with the collaborative nature and accountability of the joint health and safety committees.

These are issues that will have a profound impact on the day-to-day business of Ontario workplaces. They deserve a thorough and public debate. We therefore propose to refer this matter, as well as the bill, of course, to the standing committee on resources development for further discussion and public input.

I must say that we would offer to the committee for its consideration one possible approach to the stop-work issue. We are very mindful of the need to recognize that where the internal responsibility system is working, and an effective partnership to control workplace risks

does in fact exist, decisions ideally—and this is rather fundamental to the bill—in those cases should be made jointly unless the parties decide otherwise.

However, where the health and safety record and the demonstrated commitment of the employer to sound health and safety practices are unacceptable, alternative approaches should be considered. One approach could be that the health and safety agency could direct that measures be taken to attempt to improve the situation and create an incentive to strengthen the joint responsibility system.

One measure could involve giving both certified members independent authority to stop work in situations of immediate danger. A second measure could involve the assignment of a ministry inspector to the workplace, even up to full time at the employer's expense, to bring about improvement.

In other words, exceptional measures that presume a work environment other than the one envisioned by Bill 208 would be applied to poor performance.

The Ministry of Labour has been engaged over the last eight months in consultations with employers and employees. They indicate broad support for the bill both in terms of its principles and in terms of much of the content. At the same time, there are some specific features of the bill that do need to be addressed. In view of the widespread support for the substance of the bill, the government is clearly dedicated to it and proceeding now to second reading.

Bill 208 and the possible changes are designed to sustain and enhance the principle of joint responsibility for workplace health and safety. It seeks to improve training and to encourage labour-management partnerships.

Bill 208 will update this province's occupational health and safety legislation in a timely, practical and unprecedented measure. The bill ensures social benefits in terms of contributing to the health and the safety of the workplace. It also, frankly, contributes economic benefits because the assurance of a safe workplace does encourage productivity and competitiveness.

I look forward to the bill receiving second reading and proceeding to the standing committee for full and open discussion and consideration of this significant initiative, including public hearings.

**The Deputy Speaker:** Any questions or comments on the minister's statement?

**Mr Mackenzie:** It is difficult to contain oneself after having heard this great defence of a



piece of legislation that the minister has just gutted in one of the most gutless performances I have ever seen in this House.

This is a total betrayal of the labour movement. Although he came in late, the minister had his marching orders, clearly, when he got his appointment about what he had to do with this bill, and we are aware of that. But the minister also knows that there was over a year of negotiations and talks and discussions as a result of the fact that the figures are not going down. The slaughter in the workplace continues and four workers every minute are being injured; one every working day is being killed.

The minister knows an agreement was reached—it was not perfect—and in good faith accepted by the trade union movement. There is no question about that. It was a deal that was made by the previous Minister of Labour, and that agreement has now been betrayed.

The labour movement said okay. It was a bottom-line acceptance. They wanted changes. It is not what it should be. It is not anywhere near as good as some of the suggestions that were made in the fight of my colleague Elie Martel and others for the needed safety and health legislation in this province, but they accepted it. They accepted it and then went out and sold it to their members. Then all of a sudden the minister comes in now and kicks the legs right out from under them.

#### 1650

I want to tell the minister that his timing could not have been better. We have an Ontario Federation of Labour convention a month away. I dare the minister to go down and sell this on the floor of that convention. I think he has invited a response that is going to make Bill 162 and anything that happened with it look like child's play in Ontario.

This is a disgrace. This is a sellout. We will get into the major areas. Every single point the minister has raised, making suggestions to the committee where he has a large majority, are things that labour does not accept and the minister knows it. I think this is a disgrace for this government and what it has done.

**Mr Laughren:** I rise for one reason, that the bill is going to be referred to the standing committee on resources development and the committee dealt with Bill 162. By the way, the committee worked extremely hard on that bill and held hearings all across the province.

I am very worried about what the response will be when this bill goes to committee for hearings across the province, because there was no

question in anybody's mind out there when Bill 162 was being debated. People were swallowing very hard, the labour movement was swallowing very hard, saying how much they detested Bill 162 but they were very calm in their presentations, very logical, very polite, I must say, to the committee despite their very strong feelings about Bill 162, and they made very intelligent, very cogent briefs all across the province.

Now that Bill 162 has passed and the committee has done its work for the government, this bill now comes in. There is no question in a lot of people's minds that this bill originally was to compensate for some of the problems of Bill 162. The labour movement could not stand Bill 162, but they swallowed hard. The former minister was quoted on more than one occasion as saying, "If you want Bill 208, you better accept Bill 162, the workers' compensation bill." What a betrayal that was to have held out to the workers of this province that, all right, they were going to have to swallow hard and accept Bill 162, but: "Do not worry. Better things are down the road. It is called Bill 208, an amendment to the occupational health legislation and to the Workers' Compensation Board."

It is a very sad moment for me as I anticipate the thought of taking this bill across the province and having those representations all over again.

**The Deputy Speaker:** Does the minister wish to respond?

**Hon Mr Phillips:** Actually, I do, Mr Speaker.

I think it is extremely important that one review exactly what I said. The member may have written his notes before he heard me speak. This is proceeding with the bill. When he talks about gutting it, I do not think he could have listened to what I said.

I do look forward to the debate here. I frankly look forward to the public hearings. Actually, this is an issue that I hope in the end can be rather a bipartisan issue. I think health and safety in the workplace is in all our best interests. I hope we do not end up with a feeling that we do not all share exactly the same goal. The proposals we are making, contrary to gutting the bill, in fact sustain the bill, move forward with what will be seen, as we look at it and debate it, as the most progressive piece of health and safety legislation in North America.

**The Deputy Speaker:** Do other members wish to participate in the debate?

**Mr Mackenzie:** What the minister has done, in a nutshell, is to have taken the issue that has given us problems for a good many years—it was the beginning and the first major issue where

there was an agreement reached by, I might say, business—that seems to get sidetracked—by labour and by the previous minister and the ministry, I take it, saying that we will have a bipartite board, which is a gamble in itself because you have an equal deal then between the unions and business.

They were willing to buy that. That in itself was an act of faith and courage because it means they are one on one in terms of the management people they face. Some of the major companies know and knew that the slaughter we have in the workplace in Canada cannot continue, that the kind of record we have is a poor one.

It always makes me laugh when I look at the Somervilles, the Bullochs and the Canadian Federation of Independent Business and some of the small contractors who raise hell with our desire to have some say in a safer and healthier workplace in this province. That was a fundamental part of the recommendation and what the minister is now saying, even though that was probably the first and almost the most fundamental first recommendation that was accepted and on that basis the labour movement sold it, is, "We have to have a third, a tripartite deal." They will not accept it and the minister knows they will not accept it. He knows that very, very well.

He says also—

**Hon Mr Phillips:** The member was not listening to what I said.

**Mr Mackenzie:** The minister is making these recommendations. Let me put it in some perspective then. These are suggestions he is making to a committee. Let me tell him that I do not trust for one second a committee that is composed of a majority of Liberals. We saw that with Bill 162. Does the minister think he is going to make these suggestions and then have us have any confidence or faith that when we get into a committee of 11 members with seven Liberals, those recommendations are not likely to carry? They did not listen to a darned thing on Bill 162.

On the stop-work—

**Hon Mr Phillips:** The member must have written this ahead of time.

**Mr Mackenzie:** No, I have not. I know of some of the discussions that have gone on recently.

On the stop-work, the minister is saying, in a nutshell, that if a company has got a good work record we do not need the kind of stop-work provisions we have. He is also saying that we do not need a stop-work right in terms of work activity, but that is fundamental in terms of any of the problems we have had, particularly with

back problems, in the workplace. The minister is saying that we will change what we had here in terms of employers who are not quite as up-to-date or quite as good. He is really shafting the construction workers, because once you set the target as 50 and six months, you have eliminated one heck of a lot of mandatory safety committees on the job site. That is a total betrayal.

Do members know what it tells us? It tells us very clearly that he who pays the piper obviously calls the tune. It is easy to see the kinds of pressures that went on, particularly with the Premier (Mr Peterson) of this province. He was so dogged deep in the pockets of business and the contractors in this province that if he were human he would have choked to death on the lint in their pockets. He gave the minister his marching orders, and that is clear.

We also know that the minister was called—he has verified every word of it here—when he got his ministry appointment and told that a deal had to be cut, and as quickly as possible, on Bill 208. He has obviously done it. Why then is every suggested change he has made, every suggestion he is handing on to the committee as Minister of Labour, rejected by labour? Rejected by labour. Once again, he knows it. This just boggles my mind.

I expected it. Indeed, I was interviewed by reporters and told them I expected a bit of a backoff. I never, never expected the sweeping nature of the undermining the minister has done to this bill.

**Hon Mr Phillips:** The member was not listening to what I said.

**Mr Mackenzie:** Are these not suggestions he is making to the committee to consider. Does he think that does not have any influence? Does he think we are crazy?

I think there are a number of things that should be said. Obviously, our analysis was dead on. What the minister has done indicates a backoff from Bill 208. The deal that was accepted was one where the labour movement put its position on the line with its own members. Many of them and many unions did not think it was strong enough and felt that it had to be stronger than was there, especially when you looked at the kinds of bill we had been discussing, as I said, when my colleague Elie Martel was in this House. But we did accept it. They accepted it and they did the job of selling it to their members. When I said the minister has kicked the legs out from under them, that is exactly what he has done. They feel that way. The minister can shake his head all he



wants, but he is going to hear plenty in coming days over this issue.

I have real difficulty in understanding how the minister can agree to make suggestions that he knows darned well, with the majority the government has on that committee, will follow through when we have the deaths reported here: 1985, 199 deaths, 426,880 accidents in Ontario; 1986, 208 deaths, 442,080 accidents in Ontario; 1987, 238 deaths, 469,000-plus accidents—I might say, in all these figures, total reported accidents—1988, 293 deaths, 489,000 accidents; up until August, 187 deaths this year and 319,000 accidents—just up until August, almost one worker killed every working day and four injured.

I was wrong. It is even worse than I said: Four workers injured every single working minute in Ontario. This is what business is saying is good enough, or because we have finally achieved this bill, or thought we had achieved it—then we had reason to wonder after the Bill 162 hassle—but took the minister at good faith.

**1700**

I had the previous Minister of Labour tell me this was it, not to be so sceptical, not to worry, when I asked him what kind of a backoff we were going to get. I do not know whether that is why he is or is not the current minister, but I know he was asked to jump and what he said to the Premier of the province was, "How high can I jump?" That is exactly what he has done.

He also knew, from meetings he had, what the position of the trade union movement was and how much they had gone out on the line to sell what they figured was a deal, an agreement that had been reached with this Liberal government in Ontario.

Anybody who trusts a Liberal in Ontario is out of his cotton-picking mind when it comes to any kind of an agreement in terms of workers or health and safety in the workplace, and that had better be very, very clear.

**Mr Dietsch:** Get serious.

**Mr Mackenzie:** He is darned right it is serious and I think workers are going to know that.

Bill 208 was a step forward in reducing the toll, and as I say, a step forward that some people did not accept and some people thought was not good enough. Watering down the bill is a step backwards. It is a really sad day in this province.

I think it is even worth going to a recent newspaper article on Bill 208 in the *Toronto Star*, 28 September 1989, complete with very usable quotes from the Minister of Industry, Trade and

Technology (Mr Kwinter), and from the Hansard for 4 July 1989, where that minister says, "I make no apology for being the champion of business."

I can accept that—he is the minister of industry—but it is also obvious that he has led the way in many of the discussions and has publicly gone on record as being opposed to Bill 208. What is also obvious is that he is not only the Minister of Industry, Trade and Technology in this province; he is also the minister who is effectively calling the shots for what happens to labour. I do not know where that leaves this minister, a pretty pathetic example of a Minister of Labour in Ontario.

I think the quotes should be there. What did the Minister of Industry, Trade and Technology say about this bill and in not hiding his opposition to the legislation? "‘We had a breakdown in communication’ when cabinet approved the legislation, Industry and Trade Minister Monte Kwinter told the *Star* in a recent interview. ‘We were led to believe there had been consultation (with business) and that they were on side.’"

I was not part of the consultations. I cannot tell members everything that went on in those consultations, but that is not accurate in itself because there were consultations over almost a year. It is true that probably there was more agreement with some of the bigger firms that understood they could not be on the firing line daily with the death and injury of workers in Ontario and that something had to be done to respond to this issue, but there was consultation and the minister was not telling the truth when he said there was no consultation.

I am going on to another direct quote from his interview. "‘We have a window of opportunity, with a new minister who can bring in a fresh, unbiased approach....’" I guess that simply says the approach of the former Minister of Labour in the negotiations that had gone on, the deal that had been made with the trade union movement, was not a fair one. Are we now going to have an unbiased approach from this new minister? No, what it says very clearly is that this new minister got his marching orders and he literally did say, when the Premier said, "Hey, cut a deal," "How high do I jump?" "‘...bring in a fresh, unbiased approach,’" since he is not the author of the legislation, Kwinter said."

**The Acting Speaker (Mr Breaugh):** I do not want to interrupt the member's speech and I do not think he quite meant it. Most of what he has had to say in the last little while has been pretty close to the edge. He went over it just once and I



would ask him to retract just one statement he made about a member not telling the truth. If he could do that, then I think we could proceed.

**Mr Mackenzie:** I retract the statement that he did not tell the truth. I will just simply repeat what he said here in his actual comments. "‘We had a breakdown in communication’ when cabinet approved the legislation, Industry and Trade Minister Monte Kwinter told the Star in a recent interview. ‘We were led to believe there had been consultation (with business) and that they were on side.’" There was consultation, so members can take it any way they like in this House. "‘We’re at the forefront in North America.... We have to take a look at whether it will impact on our competitiveness.’"

Added to the other things he said, what has clearly been said is that workers’ injuries and workers’ death in the workplace are acceptable if the contrary argument is that it might interfere with our competitiveness in the marketplace, and that is a sad and sick commentary. It is particularly sad and sick in view of the kinds of figures we have in this province and the fact that it has not been business at any stage of the game that has led the fight to improve safety and health legislation in Ontario.

He also went on to say, "I’ve not seen an issue that’s drawn concerted opposition from the business community as has Bill 208." Is there any doubt what that means in anybody’s mind? Is there any doubt whatsoever that who is calling the shot is the business community? I want to go back to a few comments that were made by my colleague, the chairman of the resources committee.

We were dealing with Bill 162. There are few bills that both labour and injured workers’ groups and community clinics across this province were unhappier with and saw as a bigger threat to their workers in the future, and they made darn good presentations. They backed them up with arguments and facts in many cases. They pleaded, I would say come close in a couple of cases, witnesses before that committee, to begging. Did this government listen to workers? I want to make this comparison because I think it is vital to all of us in the House. Did this government listen to workers on that committee? They sure as blazes did not.

We were sitting back, interested, and wondering exactly what was going to happen when we had the business community mounting the same kind of lobby. Would this government listen to the business community or would it react the same way it did in terms of the workers’ requests

and complaints? We now have the answer. They have listened to the business community and they have moved, or at least suggested they are prepared to look at changes or amendments in the main areas that bothered the business community, and the main areas, I might say, that bothered the construction industry and the developers who have been among the foremost in the battle against this legislation. It is very obvious.

We have known, through a number of things that happened in this House, of the kind of influence the developers and the contractors have with this government. It is obvious that this government is willing to pay the price, because that is exactly what it has done. It has listened to their arguments. It has said, "Hey, we value your contributions at election time or otherwise and the kind of influence you have in the community a heck of a lot more than we value a fight of workers, even where we’ve made a commitment to the safety and health of workers in Ontario." I think it is an absolute and total disgrace for this government.

In Hansard, 4 July 1989, the Minister of Industry, Trade and Technology: "This is a bill"—referring to Bill 208 again—"as I said earlier, that cuts across the total economy. As the Minister of Industry, Trade and Technology, I make no apology for being the champion of business. I make no apology for that at all."

As I said earlier, I could accept that on the one score alone, but he has been one of those, we know, in the meetings that have been held who has been leading the fight in the opposition to this legislation. I simply say, who has the influence? Who has the integrity? Who speaks for labour? I think we should nominate the Minister of Industry, Trade and Technology so at least it is all out in the open, as not only minister of industry but Minister of Labour.

We are certainly not getting any defence of key issues from the new minister who has been appointed. Why did this new minister not have the guts for once to say: "Hey, we did make a commitment. We did make a deal here." Is that why the previous minister is out? Is that why he is in? That certainly is one of the popular stories around this place. While I was not sure of it to begin with, what I am seeing now clearly indicates that there was more truth than fiction to that argument.

**1710**

Why did the minister destroy the trust of workers? Why did he kick the feet out from under them. He knows himself, and he knows it well, that that is exactly how they feel right now. Why

did he do it when he had made a commitment and sent them out to do the job of selling this particular piece of legislation? I am being blunt with him, but I think that is what is needed, and honesty as well, and that is what he is getting. I just wish we would get some of it back from this government. I wish when we get a commitment—we have got an awful lot of them that have not been worth the powder to blow them to hell—from this government, as we did in this legislation, for once it would have the intestinal fortitude to stick with it.

If the government thinks it is going to get away with this kind of sellout easily—it has the numbers; I suppose it might jam it through—it is turning an awful lot of groups in this society against it. The polls may be riding fairly high at the moment, but sooner or later what it is doing is going to get through to those groups. I can tell the government, in one fell swoop it has declared war on the trade union movement in Ontario, and by God it is going to hear about it.

I invite all the Liberals here, including those who say, "Ah, nuts," to parade down in a month's time to the Ontario Federation of Labour convention and ask to be heard on the issue. I invite them. I will even go down with them at the time. I will tell them what will happen very clearly: the convention will boo them right out of the hall, it will blow them out of the hall, and that is deserved.

There will be a lot more acceptance and understanding and trust and belief and agreement with the remarks I am making than there will ever again be with this particular Minister of Labour. He has blown his credibility in one single move in Ontario.

We talk about the safety and health problems we are facing. We did not get enough questions on today or one of the ones that would have been on the floor today is, "What does the minister know and what can he tell us about the Lakeview generating station in Lakeshore?" Why is it that there have been work closures, work refusals there over the last week? Why were the workers who were called in to do a \$1.1-billion refit in that plant not told that there was arsenic, silica and asbestos in there? Why was there as much as half an inch of dust in some parts of the plant on level surfaces?

Why was it not vacuumed first? Why was there not a containment area for the construction workers going in on a very major construction project where obviously they are going to disturb the dust and all of these materials? Why were they not told about this to start with? Why was

there no containment? Why did they have to go on work refusals? Why do we have the ministry saying that because only 10 of the 20 tests taken so far show asbestos, and because they are small amounts, it really does not count? Why was an order issued, just three days ago, that every worker in that plant had to wear a respirator and not enforced? Because Hydro said they did not have 300 available for the 300 workers. Why, the next day, was that order rescinded?

That is one of the questions that should have been on today. Does the minister think we have an improvement in the health and safety problems in Ontario? We have a daily continuation of threats to workers. I would also like the minister to say what he figures is an acceptable standard in terms of asbestos. I will say that one particle is too much in terms of asbestos, because people react differently. Johns Manville can tell him. What is it, 60 or 70 per cent of the entire workforce there have suffered the results, now long gone, and we still to this day have them coming into our offices.

We have not begun to accept in a hard-core way the fact that when we have a problem we have to move and we have to move with some decisiveness. It is up to the workers to do it, and this bill will not do it with the weakness in it that the minister is incorporating. It is just very difficult to understand.

The construction industry: Really, at the Scotia Tower, the Scotia operation, building it took the death of two workers to ensure that we were going to have the proper kind of coverage. We had it at the SkyDome finally. But how many construction sites really have the mandatory health and safety committees? Of course, the legislation was so broad that it was difficult.

Why has the minister even suggested under these circumstances an increase to 50 from 20 and to six months from three months? Why has he even begun to suggest that? He has really kicked the construction workers of this province in the guts. I have not talked to them yet, but I will be very surprised if he does not hear, and hear in spades, on that particular issue as well.

One might say, I guess, that the influence of the Tridels is obvious on this particular government. They are the kind of people who were squawking about this legislation and they are the kind of people the minister listened to when he decided he was going to recommend that:

"Hey, we had better do exactly what all of these people want who are calling Premier David Peterson are saying, 'Hey, you know, you're interfering with business. You might have



workers on closures and walkouts that are uncalled for, that are not responsible. You've got to stop this. You're giving the unions power. It will result in more union organization'"—a facetious argument if I ever heard one—"These are all things that give us problems we can't live with. Because of this, you've got to do something about the right to refuse, you've got to do something about the committees in terms of construction sites, you've got to do something about giving them the bipartite control of this whole thing."

The minister is going to add people to the committees, maybe nonunion people. Why has the minister made these moves? Who supports them? I want to ask him, once again—we tried to do this and did not get anywhere in the Bill 162 fight—to name me one single labour leader, one single labour group that supports the kinds of suggestions he has made.

Almost every single business group in this province supports what he is suggesting to the committee, and it is obvious that the Liberal Party of Ontario is right in the pockets of the business interests in this particular province.

**Hon Mr Phillips:** That's nonsense, totally nonsense.

**Mr Mackenzie:** That is not nonsense. It is obvious by the minister's actions, and by his actions he will be judged. That is exactly what has happened in this province.

When I think of the statements that I read earlier by the Minister of Industry, Trade and Technology, forgive me, but I am tempted to say what we have are the comments of the champion exercising his belief and his role—and he does not apologize for it—in protecting business. What we are getting from the minister are the actions of the chump. That is exactly it: a champion for business, a chump for labour in Ontario.

I do not know if this government also realizes that there is another issue that is at stake here. I think the public in Ontario has finally cottoned to the fact that if we have one major issue that we as responsible politicians, all of us, have to look at and have to deal with, it is the environment. I think it affects the future not only of us, but certainly of our children. It concerns me if it does not concern the minister, and I suspect it does concern most members of this House. I do not know what I am leaving for my six kids and their families. It affects the future of our planet. We may have reached, as many prominent individuals in our society say, a point where we are very close to the point of no return.

I ask the Liberal members who are gutting or helping to gut or suggesting amendments that will help to gut this bill, who are more on the firing line, are more proponents of what is needed in terms of the environment than workers on the job? Who are the front-line troops where we are dealing with the questions, which we have never solved in this country, of the toxic substances, where we are dealing with safety and health, where we are dealing with work activities—which the Liberals are now helping to gut as well—that have something to do with whether or not you really have a chance to fight things like back strain and repetitive lifting? Who are more the front-line troops than workers in Ontario?

I want to say that it is the front-line troops who have suffered, and they have. If you look at the asbestos workers, it is more obvious there probably than any other occupation. But look at workers in the steel mills and the auto mill workers, the workers who have suffered from isocyanates sensitization that five years ago we were arguing was not a problem or did not exist. When you look at workers in the forefront of the fight, there are workers who have led the health and safety fight in their local unions and in Ontario, and they have been pioneers.

We did not get Bill 170, we did not get the health and safety legislation, we did not get the Ham commission because of any action of companies. Well, that is not quite true. We had a record, particularly in the mines, of deaths and injuries that was appalling and nothing was being done to correct it in spite of the best efforts of the workers' representatives and the unions.

But those workers argued and fought to expose what was happening to workers on the job and they had, in the latter years, a very good champion here in the House in Stephen Lewis. Of course, one of the things they got was the Ham commission, which set the first ground rules. We broadened that, through a long fight in this House and some good people who worked hard at it, into the current legislation. We were trying to broaden it further, and we even got to second reading on the bill that my colleague Elie Martel moved, but we could never get it through, and of course elections interfered.

#### 1720

Finally, one of the accord items was that this government would move in terms of dramatic improvements. I think that is what was expected in terms of safety and health legislation in Ontario. The government took a long time. It did not come early. It did not come during the two



years or year and a half of the initial accord period. But finally, as a result of the meetings between business, labour and the Ministry of Labour people, there were serious talks, and Bill 208 is what came out of those discussions. They were not easy, I can tell members. I have talked to some of the people, on the labour side admittedly, who sat in on the talks, but they told us some of the arguments they were getting across the board.

So we had a commitment. The final commitment—and there is no question about this, which is why I am so discouraged and disgusted with the current Minister of Labour—from the previous Minister of Labour, who is the member for York Centre (Mr Sorbara), was that: “Okay. This is the deal we finally struck. This is the bill we’re going to run with. Will you people sell it?” I think he knew there were some problems selling it.

I have sat in at a couple of meetings. I have had some of the representations from the Ontario Public Service Employees Union and a number of other unions that have serious questions about whether or not the bill goes far enough. What was sold finally—and they had to take it to a vote of the heads of all unions in Ontario as well—as a bottom line, as the compromise was Bill 208. The minister knows that and knows it clearly. On at least two occasions he has had it outlined to him in no uncertain terms.

That was the deal that was sold to us. “Will you accept it?” “We will.” “Will you go out and sell your members?” “We will.” They did. And now all of a sudden that deal, which they thought was consummated, has had the props or the legs, as I said earlier, kicked right out from under it by what is obviously a betrayal by this minister and this government.

That is why I say I do not know how anybody—we should have had enough evidence, whether it was free trade or the better and cheaper auto insurance plan or a dozen other issues or the fact that, “It’s going to be revenue-neutral and not hurt you on on Bill 162,” which is a crock. We should have been aware. We should not have had any questions in our mind now on a bill—let me tell all members so they understand it in this House—that is a heck of a lot more important than Bill 162 was, and that was a key bill for working people in this province, a heck of a lot more important.

It is the most important legislation we have faced on an issue, as I said, that ties into the whole environment and where you start with the shock troops, the workers on the plant floors and

in the shops where they are using chemicals that, up until recently, were never identified. To this day, they are having trouble in plants—I get letters almost weekly—in identifying the toxic materials, even under the workplace hazardous materials information system legislation, and are not always getting co-operation from the companies.

Up until this day we now have this broad environmental issue which, I am sure, the people of Ontario understand and are supportive of. We have the front-line troops who have led the fight in terms of trying to put in place legislation that means something and gives some real rights to workers—incidentally, rights that workers do not misuse.

There is not a record of frivolous use of the right to refuse work. There is no record of that whatsoever, a heck of a lot less record of that than there is of companies refusing to act when they have had orders issued by the ministry. Workers do not misuse what rights they are given. Who is better able and knows better what is needed in terms of safety and health in the workplace? Who has trained most of the safety and health people? It has not been the companies.

Admittedly, the unions jumped in first, but they have done an amazing job, the OFL in particular, in selling training programs of several weeks’ duration to workers. In many cases, management people have joined in as well. Not only did they take the lead in trying to provide us with protection in the workplace, they have taken the lead in terms of the kind of training and the kind of education that workers and safety and health reps and committees need. This has been their role, and they are responsible, and they are responsible for their members.

Let me tell members, when they were so—“upset” is not the word; they are upset now—determined that the bipartite route was the way to go, with two full-time chairmen and not be tied down with the problems they have had with the tripartite route, and all of a sudden this is cut right out from under them, you wonder why they have really fought the kind of fight they have. This is not going to stop them.

**Hon Mr Phillips:** It hasn’t.

**Mr Mackenzie:** The minister had better understand what he is opening up now is. If he thinks there have been problems with closures because of safety and health problems and contract talks and disputes before, he ain’t seen nothing yet, because now the demand, in terms of negotiations, is going to tie up an awful lot of

the time and an awful lot of the industry in this province.

I think it was right for them to expect not running everything but the broad guidelines, which really are what Bill 208 is all about, should be the guidelines and the rules that they operate under. I think it would have been a lot easier. I think it would have been more efficient in terms of business, more responsible in terms of business and workers and given us an awful lot less problems in Ontario if that had been the route we went. But it is not the route this minister has gone. What he has decided to do, yet once again, is listen to the pleading of business and say: "Okay boys, you said jump. How high?"

That is exactly what has happened. I have not got any confidence whatsoever in this minister, I have no confidence whatsoever in this government and I think it is doing a disservice to the whole environmental movement right across this country. I think it is making a fool of itself in terms of trying to say that it has any real commitment to the environment. As I say, it is cutting the guts out of it at the working level and the front-line troop level in terms of most of our problems. The government is obviously not doing what it should do in the broader areas of public concern, whether it is our water or our lakes or acid rain, but it sure as blazes, where it had a role it could have played with workers, has fallen far short.

There are a dozen and one things, including an actual description of what has happened to sections of this bill, that I wanted to cover, but I confess to this whole House that I doubt if I have ever been angrier or more disappointed or more totally cheesed off with a bunch of gutless politicians in my life than I have here today.

I think the government will at least get an understanding of how strongly I feel, how strongly my party feels and how strongly I know the labour movement feels about its betrayal. I think it will be well outlined in the days and weeks to come.

I hope that every Liberal member here is marching down to that OFL convention. We will introduce them all personally, I will guarantee them, at that convention and give the convention a chance to ask why they have done it to us.

**Mr Laughren:** I wanted to commend my good friend and colleague the member for Hamilton East for a very stirring speech. As a matter of fact, he even stirred some of the members opposite to interject.

I hope the members of the governing party will listen carefully to my colleague, because when

he told them that there was a sense in the labour movement of betrayal, he was not exaggerating. He is telling it like it is, and while members may not want to believe that, that is exactly what the feeling is out there.

I think members should know—they probably already do, but perhaps some of them do not—that when the cabinet shuffle occurred the immediate rumour throughout the province, anybody interested in labour legislation, was that Bill 208 was in trouble, that the previous minister could not back down on it, that he had made too many promises, too many commitments and that therefore he could not be asked to water down the bill. Somebody else would have to be asked. That was immediate upon the cabinet shuffle. I can only assume that those rumours are now coming to fruition and that what they predicted is what we see today.

It is fine for the minister to sit in his place and interject that we are wringing our hands needlessly and that we are angry needlessly and that the bill is not being watered down the way we think it is, but I can tell him we need a lot more reassurances than we have had at this point, because there are statements in the minister's speech this afternoon on the beginning of second reading that are very worrisome. When I look at them, they sure tell me there are some amendments to be proposed to the standing committee. I do not think there is a sense out there that those amendments are going to strengthen the bill but, on the contrary, that those amendments will probably weaken the bill. That is why there is so much distrust at this point.

1730

**Mr McGuigan:** As a member of the standing committee on resources development, which held hearings all across the province on Bill 162, I have various concerns about the tone or the way this thing has been accepted.

I respect the member for Hamilton East for his concern about injured workers, and I respect his commitment to guarding injured workers, but I think his remarks tend to poison the atmosphere in what is going to be a very deep, subtle and close look at this bill in hearings across the province.

I guess I can understand why flags might go up among members of the party that claims that it represents labour to the exclusion of all other parties, but I think to jump to the assumption that all these terrible things are going to happen is—

**Mr D. S. Cooke:** They're in the minister's statement.



**Mr McGuigan:** They are going to look at certain aspects of it, but these things have not happened to this point. To poison the atmosphere and prevent honest negotiations by people of goodwill, I do not think really does a service to this Legislature or to the labour movement, because many of us on this side are as committed as the member is to seeing a proper, working bill. I just wish that such inflammatory remarks had not been made.

**Mr Philip:** I do not want to be inflammatory. I just want to quote the minister back to the House and ask the member for Hamilton East, or any other member, to comment.

My understanding was that the negotiations resulted, at least under the member for York Centre, the former minister, in a bipartite agreement. Now I look at the words of the new minister, on page 5, where he says, "As a means of facilitating the building of this partnership and contributing to the excellence of its ultimate product, the government will propose amendments to the committee that would add to the agency a full-time, neutral chair." It seems to me that has changed the nature from a bipartite agreement to a tripartite agreement, and if that is not backpedalling, then I would like an explanation of why it is not.

It seems to me clearly that what we have had is a series of negotiations, negotiations that were at many times fragile, negotiations that were certainly heated, negotiations that were based on a lot of give and take on both sides, and that the former minister managed, in the case of the original Bill 208, to negotiate his way through and feel that he had an agreement. That was certainly the understanding of the labour movement, which would not accept everything but was willing to accept some things in exchange for the payoffs from others.

Now we are faced with a statement that clearly indicates the nature of that agreement has been breached. If that is not a breach, as spelled out on page 5 of the minister's statement, then I would certainly like to hear why it is not a breach.

**Mr Haggerty:** Perhaps I have been provoked into some discussion on this bill this afternoon. I support the principles of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act. I stand up on this side of the House to say that yes, I am an advocate of perhaps one of the most important human resources in the province of Ontario, that is, workers in the workplace. I have always taken that position.

I have one concern and I am going to direct some questions on it to the minister; it relates to sections 4 and 6 of the explanatory notes in the bill. Section 6 says the amendment "will create a Workplace Health and Safety Agency"—

**The Acting Speaker:** Order, please. I do not mean to interrupt, but this section is devoted to comments and questions towards the previous speech. If you want to participate in the debate, we can proceed later.

I believe the time has expired. The member for Hamilton East does not appear to want to respond. Further debate? Then the member for Niagara South may proceed.

**Mr Haggerty:** Then it goes on to say that the Advisory Council on Occupational Health and Occupational Safety is abolished. That is one of my concerns about the bill.

Members have read the latest document, the 11th annual report of the Advisory Council on Occupational Health and Occupational Safety for the period from 1 April 1988 to 31 March 1989. It goes on to list its members. It covers every sector of industry and every specialist, one might say, in the area of occupational health. There are professors there from the University of Waterloo.

The chairman of the council is D. R. McCalla of McMaster University. I have had occasion to write a number of letters to Dr McCalla on health-related problems in the workplace representing constituents in my area.

I was interested in the general issues section of advisory memorandum 88-I, where he states:

"In its consideration of the fundamental principles underlying the administration of the act, council noted that the act appears to have two thrusts, viz self-regulation in the form of the internal responsibility system, and legal compulsion through enforcement of government legislation and regulations. While not mutually exclusive, these represent two alternative approaches for determining and auditing conditions and standards of occupational health and safety: one primarily within the workplace, the other more dependent on government."

He goes on and refers to "internal responsibility, as described in the Ham report." As everybody knows, Dr Ham is the one responsible for bringing forward the Occupational Health and Safety Act in the province, one of the major recommendations following a royal commission study of occupational health in the mining sector of Ontario. It was an exceptionally fine and good report with many good recommendations. He has



also followed that in this report here and goes on to say:

"The act gives workers only limited resources and authority to enable them to participate in the system intended to protect them. Although there is a requirement in the act for certain workplaces to have joint health and safety committees, internal responsibility is not specifically mentioned in the act. Further, it is unclear whether the joint health and safety committee is to be internal or external to the responsibility system that was described by Ham for the local work processes and whether the joint committees are considered to have a direct or contributive responsibility. If the committees are intended to be a fundamental component of the IRS for the purposes of protecting health and safety in the workplace, it appears inconsistent and inequitable to exempt the majority of workplaces in the province from the requirement to have a committee. If, as indicated by the provisions for committees to inspect and investigate, joint committees are intended to help maintain standards, they need effective means of enforcement. Further, if joint committees are to supplement and/or facilitate the processes of the existing responsibility system, and, if the committees are mandated, their rights and responsibilities should also be mandated."

**1740**

In talking about Bill 106, I guess, he goes on to say:

"The two thrusts of the legislation also appear to present the government inspectors with the difficulty of choosing between the role of a facilitator of internal responsibility, helping the workplace parties to resolve disputes, and the role of a strict enforcer of legal standards.

"Council considers that if the occupational health and safety system in Ontario is to be improved, it is essential that a determination be made about the relative emphasis to be given to the two approaches (self-regulation and legal compulsion). Whatever determination is made, it should be made clear in the act; and, at the same time, it will be necessary to ensure that the parties have appropriate tools to make the system work. Suitable education and training and appropriate responsibilities and authority must be included as important among these tools."

I think you will find that in the section on certification, in the qualifications for a person to be a member of that committee.

"Although committees currently consist of representatives of both management and workers, there is no requirement for management to

respond to, let alone act on, committee recommendations. Council recognizes that assignment of increased responsibilities to joint health and safety committees would be seen by many employees as a 'loss of power' and is, therefore, controversial." We are heading into that now. "Although council identifies some basic duties that it considers the committee should have, it suggests that the detailed prescription of the powers required to perform these duties to be the subject of genuine consultation with management and labour. Council stresses that the workplace parties should, together, discuss their experiences and strive toward a consensus on the approach that should be pursued. Through a similar process the parties should be involved in determining the modifications needed to make the act effective in achieving its objectives."

There are some good points he raises here. He goes on to say—I am bypassing some of the comments in here.

"Recommendation 88-1: Council considers that the act should specify the fundamental principles, duties and responsibilities of the various parties and should apply to all workplaces.

"It is recognized that, in some cases, the basic requirements will present difficulties and that these difficulties may be common for certain sectors. However, council stressed the importance of having the same basic requirements and standard of protection for all workers enshrined in the legislation. It is council's view that the act should include the standards, principles and objectives, and be the enabling legislation for specific regulations (ie, details of how to apply the principles and what is needed to attain the objectives) that would have to be worked out among the affected parties representing each sector or group that is considered to have specific needs. Such sectors might include: construction, transportation, agriculture and, possibly, groupings such as small business. Council notes that the government has the power to exempt certain specific classes and to specify exceptional circumstances by, or in, regulations."

He goes on: "Recommendation 88-2: that the act be simplified, setting out basic rights, responsibilities and duties applicable to all, and providing for the Lieutenant Governor in Council, following the appropriate consultative process, to make regulations to deal with specific details for the various sectors.

"Recommendation 88-4: that, unless otherwise prescribed, all workplaces in which the number of employees does not exceed 10 be

required to have a worker health and safety representative; and

"that, unless otherwise prescribed, all workplaces in which the number of employees regularly exceeds 10 be required to have joint health and safety committees with two co-chairpersons; one representing management and one representing workers."

It goes on to "Prevention Programs," and that is something, I must admit, that I cannot see quite clearly in the proposed act or amendments to the act.

"Recommendation 88-5: that there be, in the act, a requirement for each workplace to have a written prevention program with the objective of preventing occupational injury and illness";

I would suggest to the members of the Legislature that if they want to see something that might be considered a hazard, they should go down to the print shops within this building and see the toxic chemicals that are down there that are considered carcinogenic.

"that the fundamental components of the program be specified in regulation;

"that the education and training be an essential component of the program;

"that the prevention program be developed for each workplace through a process involving the affected parties;

"that there be a requirement for the program to be approved by the joint health and safety committee;

"that it be the duty of the worker to work in compliance with the program;

"that it is the duty of the employer to be in compliance with the program;

"that committees have the power to inspect, enforce and ensure compliance with the program;

"that there be a provision for an appeal to the minister to resolve

"disputes within joint health and safety committees or between committees and management and/or workers; and

"that the prevention program include the type or nature of work

"and the requirements of the written work procedures as well as the physical conditions at the workplace."

I guess I can continue with some of the recommendations that I thought would be of interest to the members of the committee.

"Recommendation 88-9: that appeals against either inspectors' or directors' orders should be heard by a body that is independent of the Ministry of Labour (eg, the Ontario Labour

Relations Board or other such body or organization).

"It is a fundamental principle of natural justice that the adjudicator of a dispute or an appeal be independent of either party to the dispute. Council considers that there should be provision for an appeal to the ministry in cases of disputes within the workplace, both for disputes within a joint health and safety committee and where employees or workers consider that they are aggrieved by a decision of the committee. Council considers that such a system would simplify the process, decrease the chance of bias, be more likely to provide a fair, equitable resolution and stimulate the affected parties to resolve the dispute in a manner that is satisfactory to both parties."

It goes on: "Right to Refuse: As noted earlier, council considers that the basic rights and responsibilities enshrined in the act should apply to all. The right to refuse is a fundamental right that should apply to all workers, as should the qualifications that limit that right.

"Recommendation 88-10: That the act be simplified so that a worker may refuse any work activity where he or she has reasonable grounds to believe that his or her health or safety or the health or safety of another person is likely to be endangered by that work except in situations where the health or safety of another person or the public is likely to be endangered by the refusal."

I make reference again to the numbers of persons who were on that committee that suggested these recommendations. For example, there is R. T. Boldt, Dow Chemical Canada Inc; G. Botic, CAW, Willowdale; T. Byrne, Provincial Building and Construction Trades Council of Ontario; J. H. Couse, Maple Leaf Mills Ltd; D. N. Dewees, University of Toronto; R. Falconer, United Steelworkers of America; T. M. Fraser, University of Waterloo—I am skipping some here; D. G. Morrison, Stelco Inc, Hamilton; H. D. Moyer, General Motors of Canada.

I might say to members of the Legislature, if that is the recommendation from industry itself, then hopefully this act will cover that recommendation.

**Mr Wildman:** Unfortunately, it doesn't.

**Mr Haggerty:** Well, we will have to wait and see when we get into it in more detail.

The other area that is of more concern to myself and perhaps some other members of the House—I can only assume that is recommendation 88-12: "that notification of occupational



illness to the committee or health and safety representative be made only with the informed consent of the worker."

It goes on to say: "Council also urges the minister to find a mechanism to ensure that workers suspected of having an occupational illness receive appropriate benefits during the period necessary to make the diagnosis and/or decision whether or not a disease is workplace related."

I have an industry in the city of Port Colborne—I will not give the name; not on the record—but it is a new industry and it deals with moulding of plastics and soldering of electrical wires in the finished product. It is a new industry, and I have had four cases already of occupational problems, work-related. Three claims have been allowed. It is causing a respiratory problem with the injured workers. They happen to be all of the females who are working in the industry who have come down with that occupational health injury. When you look at a new industry like that, you wonder how you could develop such a cluster of disease in an industry of this nature in such a short period of time. Perhaps there are other industries doing a similar type of work, producing a similar product, and you do not hear too many problems related to occupational health.

#### 1750

Sometimes I wonder if the inspectors in the Ministry of Labour who look into plants in Ontario—when you have an opening of a new plant facility of this type, certain requirements should be met in areas of prevention. There are three or four cases now, and I think there are a number of employees still working there who may develop similar health problems; you could have a serious occupational disease develop in that particular plant and then find it in other plants throughout the province, particularly dealing with hydrocarbons.

So I suggest to that in prevention, when we have a bill of this nature coming forward, we should be assured that we are going to have sufficient inspectors who are going to cover the workplace in Ontario, that we do not have a recurrence that has happened in this industry in Port Colborne. I am deeply concerned about it, because I believe that in today's age, in the chemical industries that are now present in Ontario, the recycling that is going on in the chemical industry, you are going to have to have perhaps more and more inspectors to enforce the regulations.

I have some reservations about the agency. I understand there is no seed money being put into it, because we are moving one section of an agency, the Industrial Accident Prevention Association, from the Workers' Compensation Board, to this agency that will have equal numbers of representatives from labour and management in Ontario. Hopefully we can get some assurance from the minister that this agency will do the job similar to the Advisory Council on Occupational Health and Occupational Safety. I think they have played an important role in this area of occupational health in providing some protective measures to the workforce in Ontario. I have some reservations that this will be removed under this act. Hopefully what is going to replace it will have more authority to go into the workplace to ensure that we do have a healthy workforce in the province.

One of the good things about the Occupational Health and Safety Act and the workers' compensation—I should say the Occupational Health and Safety Act more so than anything—is that it is a good piece of legislation, and if it is handled right by both labour and management, it should reduce accidents in Ontario. I am sure the minister has outlined some of the serious problems. There were almost 300 fatalities last year; take that over a number of years, and no wonder we have a pretty hefty rate in assessment charges to industries in Ontario and costs related to the Workers' Compensation Board.

But it is a step in the right direction and I am sure, as we get into it in more detail and over time, that we will find accidents should be reduced in Ontario in the workplace, because you are putting the onus not only on management but on labour. Both have a responsibility under the Occupational Health and Safety Act to make sure the workplace is a safer place to work.

**The Speaker:** Are there any comments or questions?

**Mr Wildman:** High-flown, idealistic poppycock.

**The Speaker:** Are there any comments or questions on the remarks just made? If not, does the member wish to respond? No? Is there any other member wishing to participate in the debate?

**Mr Wildman:** In the short couple of minutes remaining, I just want to speak as a member of the committee that has dealt with these issues for some time and did a study on mining fatalities and as one who has worked with the other members of the committee very diligently on the



Workers' Compensation Board legislation that was introduced by the previous minister who also introduced this legislation.

I must say I am most disappointed that the deal which everybody acknowledges apparently has not been lived up to, and that in this case the minister has apparently buckled under to the pressure of the Ministry of Industry, Trade and Technology and the business lobby to put this committee in a situation where it is going to have to deal with amendments that will take out the most important sections of the bill as far as labour is concerned.

We have been subject to the same tired arguments from business that we always hear whenever progressive labour legislation is introduced. We heard that it would put business in a difficult position, that it would cost too much, that labour would use the rights provided under this legislation to stop work frivolously, that it would be used because of other labour disputes in the workplace rather than for real health and safety issues and concerns and that it would cost too much.

We heard the same arguments when legislation was brought through that my colleague the member for Niagara South (Mr Haggerty) was talking about in regard to the individual right to refuse. Businesses have to admit that since that time workers have not used that right frivolously, that it has not been used very often, and they have admitted that. Why, if they admit that, do they now say that if worker inspectors are appointed and mandated to have the right to shut down workplaces, workers suddenly would start to use that right frivolously?

If we were to agree with these kinds of arguments that have been proposed by business over the years, we would still have kids and women working underground in the mines. Speaking of mines, at that time with occupational health and safety underground, workers had to bring canaries underground. When the canary died, that meant they had to get out. All of us now recognize, I hope, that the workers themselves are the canaries in the workplace.

With the kinds of chemicals and poisonous and hazardous substances that are being used in the workplace every day, we are having workers die, one a day, each year, in this province. To say that we cannot have proper rights for workers to protect themselves, to inspect and close down workplaces if necessary, because it will cost too much or workers will be frivolous in how they use the rights is to ignore the fact that we as legislators have a responsibility to protect workers and to give them the rights they need in order to protect themselves.

**The Speaker:** Order, please.

**Mr Wildman:** This is a real disappointment and a terrible way for this minister to start, Mr Speaker. In view of the time, I would move adjournment of the debate.

On motion by Mr Wildman, the debate was adjourned.

Motion agreed to.

#### BUSINESS OF THE HOUSE

**Hon Mr Ward:** Pursuant to standing order 53, the business of the House for the following week is as follows:

On Monday 16 October, third reading of Bills 219, 30, 31, 55, 204 and 58, resuming the adjourned debate on Bill 208 and, time permitting, committee of the whole House on Bills 147 and 119.

On Tuesday 17 October, we will have our first opposition day dealing with a motion moved in the name of Mr Cooke, the member for Windsor-Riverside.

On Wednesday 18 October, we will continue the uncompleted business of Monday 16 October and, time permitting, deal with second reading of Bills 47 and 46.

On Thursday 19 October, we will deal with the unfinished business from the previous days and resume the adjourned debate on the budgetary policy of the government.

Mr Speaker, I think I missed a government motion on Monday 16 October. I do not know whether that is required or not.

The House adjourned at 1800.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
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**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
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 Farnan, Michael (Cambridge NDP)  
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 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
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 Furlong, Allan W. (Durham Centre L)  
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 Harris, Michael D. (Nipissing PC)  
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 Kanter, Ron (St Andrew-St Patrick L)  
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 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
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 Lupusella, Tony (Dovercourt L)  
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 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
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 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Michlash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

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Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

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**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

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Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glen-garry PC)

**Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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No. 52

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Monday 16 October 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 16 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### PUBLIC SECTOR PENSION PLANS

**Mr Farnan:** The teachers of Ontario and members of the Ontario Public Service Employees Union are justifiably angry with this Liberal government's handling of their pension concerns. The government has unilaterally decided that teachers and public servants should pay an additional one per cent of their salaries into their pension funds. These employees already pay 7.9 per cent of gross income towards their pensions, some \$4,000 per year on average.

They are angry over how surpluses have been invested in the past and over government borrowing, by both Conservatives and Liberals, of pension fund revenue over the years. They argue that diversifying the investment portfolio and not having to serve as private banker to the government would have generated sufficient funds to have made increased contributions unnecessary.

All teachers and OPSEU are requesting is a partnership with the government in the administration of their pension funds and binding arbitration to settle disputes. Surely decisions affecting a pension plan should be made jointly by the employer and members of the plan, rather than unilaterally by the employer.

The Premier (Mr Peterson), referring to a group of demonstrating teachers as "silly," and the Treasurer (Mr R. F. Nixon), ramming through this heavy-handed legislation, represent an insult to Ontario's teachers and public servants.

New Democrats believe that pension funds are deferred wages and belong to employees, and do not constitute a capital pool to be used by the employer at every opportunity. I call on the government to scrap its draconian legislation and enter into a real partnership with Ontario's teachers and public servants.

### COURT FACILITIES

**Mr Cousens:** I am pleased to table today in the Legislature a resolution calling for a new

courthouse and facilities from the Ministry of the Attorney General to service the people of the Markham area. There is no doubt the residents of York region are increasingly frustrated by the amount of time that is required for them to commute to Newmarket where the county courthouse is now held. You are talking about a backlog that is increasingly frustrating to municipal council. You are talking about a service delivery that is unacceptable.

I have placed before the House a resolution, "That in the opinion of this House, recognizing that all sittings of the district and provincial courts within the judicial district of York region take place in Newmarket; and that considerable time, expense and inconvenience is incurred by the residents of the town of Markham and south York region since numerous matters are heard in provincial offences court on an ongoing basis; the Attorney General should take immediate steps to have a regular sitting of the provincial offences court and the provincial court (criminal division) at a location in the town of Markham."

I place this as a resolution in the House. I see it as a matter of delivery of a service to an area that is growing and growing and yet the province does not commit those services to the people who are residents there, now when they are needed. I do not know what it is going to take to do it, but I hope this resolution helps.

**The Speaker:** Before I recognize the next member—now I can hear. I was having a little difficulty hearing. Thank you. The member for Lambton.

### WORLD FOOD DAY

**Mr D. W. Smith:** I am pleased today to rise and join with the members and people across Ontario and Canada in the recognition of World Food Day. World Food Day is an international event established by the United Nations to commemorate the foundation of the Food and Agriculture Organization.

Today, 16 October, is observed annually to focus attention on world food issues. The theme of 1989-90 is "Food and our Environment." It is reassuring to learn of a worldwide network of organizations and individuals whose unified efforts across the world will attempt to feed the

hungry. At the same time, this year's theme acts as a reminder that wise management of our environment will help to alleviate the depletion of our good quality and safe food supply.

The Ontario World Food Day Committee has been working very hard to co-ordinate events across the province to ensure that attention is directed to this issue. It is important to realize that one's weekly visit to the grocery store often masks the serious and complex question of quality food supply in our own communities.

It is my hope that today everyone will take a moment to reflect on the issue of world hunger and take this opportunity to increase their awareness of the help which is needed by less fortunate countries, as well as our own unfortunate people. Here in Ontario, both consumers and producers must unite to actively participate in the search for solutions. We must all do our part.

#### CORRECTIONAL OFFICERS

**Mr Kormos:** A jail break by three prisoners last week focused attention on the Niagara Detention Centre in Thorold. The last of the three escapees I am told is now back in custody and the ministry's investigation branch is doing, well, just that, an investigation.

But the minister knew long before last Thursday that there was going to be trouble in the correctional system. As recently as last Monday, Ontario correctional officers sat in this Legislature to draw attention to a serious state of overcrowding and understaffing in Ontario's jails. Down in Welland-Thorold, people like Bernie Marchio, the health and safety chairman of the Ontario Public Service Employees Union, Local 252, has been telling anyone who would listen that the Niagara Detention Centre was headed for trouble, the very kind of trouble it found when three prisoners, considered dangerous by the police, effected an escape.

In the minimum security wing, where the breakout took place, one correctional officer is required to supervise the six separate dorms, sometimes containing as many as 25 or 26 prisoners each. Regular inspections of these dorms require that the officer enter them alone and without backup. Maximum security is certainly no better. Single correctional officers are required to enter locked cell blocks containing in excess of 20 prisoners each. That correctional officer then becomes the proverbial sitting duck.

Niagara Detention Centre is not alone. The same scenario is repeated in jails and detention

facilities across Ontario. The ministry must act immediately or else it continues to risk real tragedy.

#### BINGO LICENCES

**Mr McCague:** An article appeared in the Barrie Examiner last week regarding bingo troubles in Coldwater. It seems that the Royal Canadian Legion in Coldwater is obliged to pay to the municipality \$1,296 in order to get a licence to conduct its bingos. I am not sure whether this is an edict from the ministry or what it is, but it also says in the article that the municipality can decide to give the money back to the legion. I just hope the minister will see fit to get this straightened out, and very, very promptly.

#### GRAPE AND WINE FESTIVAL

**Mr Dietsch:** September saw the celebration of the 38th annual Grape and Wine Festival kicked off in St Catharines for 10 days, comprising over 200 events. The festival is sponsored by the city of St Catharines, the Ontario Grape Growers' Marketing Board and the Wine Council of Ontario, and features the grand parade, outdoor wine gardens, vineyard and winery tours, food fairs, dances and much more.

Amongst these traditions is the important crowning of the grape king, prince, princess and queen to represent the industry throughout the year. This year's grape king, selected for the superior quality of his vineyard, is John Watson of Niagara-on-the-Lake. Mr Watson represents Bescaby Lane Vineyards where he has 28 acres that produce a variety of hybrid grapes, including Chardonnay, Riesling and Vidal.

The grape queen, chosen for her knowledge of grapes, wine and tourism in Niagara and for her ability to be an ambassador for the Niagara region is Janice Gardner. Janice is a 21-year-old who represents the Royal Canadian Legion, Branch 24, in St Catharines and is a third-year university student at Brock University.

Rob Lockey, a 15-year-old resident from St Catharines was selected for this year's 4-H prince. He has been a member of the 4-H Club for the past three years and was crowned on his completion of a best written project.

Finally, five-year-old Victoria Rudd—

**The Speaker:** The member's time has expired.

**Mr Dietsch:** —was selected as the grape princess for her personality, poise and charm—

**The Speaker:** Thank you.



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## GENERAL MOTORS VAN PLANT

**Mr R. F. Johnston:** Last Wednesday, my party put in its first request for an opposition day, as the rules under section 41 say. Unfortunately, the next day the van plant in my riding announced that it was going to be closing, one of the most significant economic losses we have as yet had to face, including the total of plant shutdowns during the recessionary period.

Today, I am going to ask the House for acceptance of a motion to have an emergency debate on that closing to discuss the effects of free trade on this matter. It was, after all, the Premier (Mr Peterson) who said that if the auto pact were gutted in any way by free trade, he would stop this thing. This government has had a chance to bring in legislation around prior notification and justification for the closure of plants, as we suggested as a whole, as a group, in 1981.

It has not yet done so and as a result 2,500 workers and their families in Scarborough are now going to be without work and a major resource to that community is gone. I will ask that this House give unanimous consent because we were unable to file, as we would have otherwise, that we have that debate now on the first chance I have been able to be in the House.

## PASSENGER RAIL SERVICE

**Mr Harris:** The temper tantrum of the Premier (Mr Peterson) after the VIA Rail cutbacks last week flies in the face of his own failure to release and respond to passenger rail recommendations. It was revealed on the weekend that a report on passenger rail service, commissioned by the Peterson Liberals, has been in their hands since the end of August. The task force was established to review the existing level of service provided by the Ontario Northland Railway and it is generally understood in the north that the night train from Kapuskasing to Toronto has been targeted by the Peterson Liberals for cancellation.

Now, after sitting on the report for nearly two months, the Peterson Liberals have an opportunity to blame VIA for any cutbacks. It is a shame that Ontario's only response to the VIA announcement should be one of political posturing instead of taking advantage of this situation to maintain and indeed expand what most would agree is a provincially significant transportation network.

The ONR has been anxious to assume control of the trackage from North Bay to Toronto for years. Why has the Premier not initiated immediate talks with CN?

Schedules and inconvenience have hampered efforts to develop regular service to tourists, cottage and ski destinations. Why has the Premier not taken the lead on identifying and developing required infrastructures? We have private sector additions to consider. We have had several expressions of interest from private companies with respect to the Windsor-Montreal corridor. Why has the Premier ignored these interested parties?

Money alone will not build a modern and efficient passenger rail network. It is a question of leadership and the will to implement a game plan for the future. Where is our Premier on any game plan for the future?

## CARE FOR THE ELDERLY

**Mr McGuinty:** A vicious crime occurred in Ottawa South a few days ago. Two elderly people, aged 92 and 86, living alone nearby, were viciously assaulted and robbed. Incidents of this kind are becoming too common.

The Ottawa Police Force, referred to recently in a hearing of the standing committee on administration of justice as the finest in the province, has acted admirably in this regard. Police officers visit the elderly to advise them about protective measures. Follow-up assistance is provided to victims by a policeman and a psychologist.

This is in keeping with other strategies our government has taken to provide for the needs of our seniors: health services, housing and transportation. This concern for the elderly is imperative.

The degree to which a society is caring and compassionate and the measure of a society's morality is surely reflected in its attitudes towards the most vulnerable. We cannot tolerate a situation wherein older people are intimidated and fearful of living alone, for they are stimulated by the freedom and independence they enjoy.

To this, the elderly have a right and the rights of all are diminished if the rights of any one, or any group, are endangered.

I would enjoin the Solicitor General (Mr Offer) to encourage and to offer financial support, where required, to Ontario police forces, all of which I am sure are concerned.

**The Speaker:** That completes the time allotted for members' statements.

**Hon Mr Ward:** Mr Speaker, I seek unanimous consent for a statement regarding the appointment of a new Ombudsman.

**Mr D. S. Cooke:** I am prepared on behalf of our caucus to grant unanimous consent, but I might suggest that when there is an item in Orders and Notices at which point this matter will be debated, it would be nice once in a while for the Premier to stick around and join in the debate with the rest of the ordinary members instead of having to do it before we get to orders of the day because it is beneath his dignity to participate in a regular session of the Legislature.

**The Speaker:** There has been a request for unanimous consent. Is it agreed?

Agreed to.

#### APPOINTMENT OF OMBUDSMAN

#### NOMINATION D'UN NOUVEL OMBUDSMAN

**Hon Mr Peterson:** I am pleased to recommend to the Legislature of Ontario the appointment of Roberta Jamieson as the Ombudsman of Ontario.

Ms Jamieson, the fourth Ombudsman in the history of our province, succeeds Dr Daniel Hill, who served the office and the people of this province for five years with great distinction and dedication. On behalf of the people of this province as well as the members of this Legislature, I want to thank Dr Hill for the great service he has provided and to formally record the high standard of performance he has set. His achievement is a standard against which others who assume this important duty will want to measure themselves.

Our new Ombudsman, Roberta Jamieson, was born a member of the Mohawk tribe at the Six Nations Reserve near Brantford, Ontario. She was educated at schools on the reserve and at the University of Western Ontario. When she graduated from the faculty of law at Western, she was the first Indian woman in Canada to earn a bachelor of law degree and the first Indian woman in Canada to be called to the bar.

Since her graduation from the University of Western Ontario, Ms Jamieson has carved out a career of public service not only to her own Mohawk people and to the first nations of Ontario but to the entire province. Her whole career has been a series of firsts.

In September 1982, on the recommendation of the Assembly of First Nations, she was appointed an ex officio member of the committee of the Parliament of Canada, commissioned by the

House of Commons and the Senate to study the issue of Indian self-government. She thus became the first nonparliamentarian to serve on a committee of the House of Commons or the Senate.

In October 1985, she was appointed by the government of Canada, the government of Ontario and the first nations of Ontario to serve as the second commissioner of the Indian Commission of Ontario. The Indian Commission of Ontario is an institution unique to this province. Under the leadership of the commissioner, it provides a forum for tripartite discussions on issues that are presented to it for resolution by the parties. As chief commissioner and chief executive officer of the commission, Ms Jamieson worked with enthusiasm and diligence on issues of great complexity and historic importance.

Je sais que les membres de cette Assemblée se réjouiront de la nomination de notre nouvelle protectrice du citoyen, dont l'intelligence, la compassion et l'habileté sont les traits marquants.

Elle sait au départ ce que veut dire «être désavantagé». J'ai confiance que la fermeté, la détermination et la compréhension qu'elle a manifestées dans le passé lui seront d'une grande utilité dans ses nouvelles fonctions.

In the great tradition of this office, the duties of Ombudsman were carried out since March of this year by Eleanor Meslin, for many years the executive director of the Ombudsman staff. Eleanor Meslin is a distinguished public servant and all of us want to join in thanking her for the determined and conscientious way she discharged her obligations in the interim period.

If I might be permitted, I would like to record the support for this appointment that has come from the Leader of the Opposition (Mr B. Rae), the leader of the Conservative Party and their respective caucuses.

All of us in this House wish Ms Jamieson well as she enters upon her new public responsibilities. Ms Jamieson and Eleanor Meslin, the executive director of the Ombudsman's office, are present in the Speaker's gallery and I would ask the House to welcome them warmly.

**Mr Philip:** I would like to respond to the Premier's statement as our party's critic on human rights and Ombudsman issues and as a member of the standing committee on the Ombudsman.

I would like to wish Roberta Jamieson our best wishes and support as she takes on the onerous and important responsibilities of Ombudsman of Ontario. I have reviewed her impressive résumé



and trust that her extensive education and community experience have provided her with the kind of qualifications and empathy which are so badly needed in this office. I have not personally met with her, but my colleagues in the New Democratic Party who have met with her have been most impressed by her.

### 1350

Having said that, and with no disrespect for Ms Jamieson, I want to say to the Premier (Mr Peterson) and the Attorney General (Mr Scott) that the manner in which this appointment has been made shows a disrespect for the standing committee on the Ombudsman and members of this Legislature. We found out about the appointment and the motion which will follow today by reading the weekend newspapers.

On numerous occasions, members of the standing committee on the Ombudsman have asked to be consulted on the appointment of a new Ombudsman. In other provinces there is a competitive process and the final decision is made through consensus reached by an all-party agreement. One need only read the advertisements in our newspapers to see how Alberta appoints an Ombudsman: in an open fashion and in consultation. Simply asking the leaders of the two opposition parties about whether or not they will support a particular candidate, no matter how qualified that person may well be, is in no way—

**Hon Mr Peterson:** Embarrassing.

**Hon Mr Scott:** Embarrassing.

**Mr Philip:** The Attorney General does not even have the respect to listen to my comments to him.

**Hon Mr Scott:** Well, it's false.

**The Speaker:** Order.

**Mr Philip:** Simply announcing to the leaders of the opposition and asking their support for one particular candidate is not a consultative process. Even in the highly polarized province of British Columbia the Ombudsman is appointed through a parliamentary consensus.

In assuring the newly appointed Ombudsman of our support, I do so on the realization that she is facing a government which has taken various initiatives to undermine this important office. For years, Dr Dan Hill and his successor, Eleanor Meslin, have called for specific amendments to the Ombudsman Act, which he and she considered essential for the operation of this office. These were not radical proposals but rather can be found in the acts of various other provinces.

The Attorney General and the Peterson government have turned their backs on these proposals.

The most heinous of all the acts on the Office of the Ombudsman was the challenge by this Attorney General in deciding that any actions and decisions of public servants acting under orders in council would be excluded from investigation by the Ombudsman. Even the Social Credit government in British Columbia, in its most outrageous attacks on the Ombudsman in that province, has not stooped to that level of attack. Indeed, what this ruling means is that 50 per cent of the Ombudsman's current complaints cannot be investigated, including decisions made by the Workers' Compensation Appeals Tribunal. It is no wonder that Dr Hill and the temporary Ombudsman, Eleanor Meslin, were forced to initiate a court action to retrieve the authority which has been challenged. I say to the new Ombudsman that she has our support, the support of New Democrats in this House, in her court challenge and her continuation of this challenge started by her predecessor. I trust that she will continue to pursue this matter in the Supreme Court of Canada.

The citizens of Ontario owe a great deal to the initiatives taken by Dr Hill and Mrs Meslin. Mrs Meslin was doing an outstanding job as Ombudsman in this province. It therefore came as a surprise when on 8 September she received a letter from the Attorney General informing her that as of 20 September she could no longer continue acting as temporary Ombudsman. In order to justify this, the Attorney General made a unique interpretation of section 7 of the Ombudsman Act. One must ask, if it was not the intention of the Attorney General to undermine the Office of the Ombudsman, why did he not appoint a full-time Ombudsman earlier.

Assuming that it takes eight weeks for a new Ombudsman to become oriented to the position, we are faced with a situation where there will be a delay of a minimum of three months for an Ombudsman to sign decisions. Complainants, who have been waiting so long for justice, deserve more than this from the Liberal government.

More recently—

**Hon Mr Scott:** That's probably enough.

**Mr Philip:** "That's probably enough," the Attorney General says—

**The Speaker:** Order.

**Mr Philip:** —and that shows how contemptuous he is of the parliament of this province.

**Hon Mr Scott:** Because this is completely out of line and you know it. This is offensive—



**The Speaker:** Order, order.

**Hon Mr Scott:** You have no style at all, none.

**The Speaker:** Order. Respect the member.

**Mr Philip:** The Liberal members on the standing committee on the Ombudsman more recently voted in a bloc to stop the expansion of the Ombudsman's jurisdiction. For more than three years members of the standing committee on the Ombudsman have been considering a report introduced by Dr Hill and reintroduced by his successor, Eleanor Meslin.

This report called for expansion of jurisdiction of the office of the Ombudsman. After extensive hearings, it was clear that some members, including Liberal government members, were in favour of providing some expansion. However, they sheepishly voted in a bloc to restrict any expansion of this office.

In complimenting and welcoming the new Ombudsman, I must say she has her job cut out in dealing with this government. Once again, I compliment the excellent job which has been done by the temporary Ombudsman, Mrs Meslin, who is in the gallery.

**Mr Cousens:** Before I comment on the appointment itself, which is a happy moment, I would like to just take a moment and say how unhappy I am at reading the announcement headlined in the weekend paper, "Native Woman to be Named Ombudsman." It is the process by which this government makes its announcements. It has a Legislature in which it can come and share and announce these things, and I think we would all have a moment of real excitement about what is going on, but by virtue of having their own process, which is to give it to a Toronto newspaper first—

**Hon R. F. Nixon:** Well, you two wet blankets are going to stop that.

**Mr Cousens:** I am sorry. What did the honourable Treasurer (Mr R. F. Nixon) have to say?

**Hon R. F. Nixon:** A wet blanket.

**The Speaker:** Order.

**Mr Cousens:** I make that as my first point, Mr Speaker, and separate it from my comments that I want to make following it. But when I listen to the honourable member from the opposition commenting, and having the Attorney General yell across at him, "False," and you do not interrupt, I have to say I am concerned about the dialogue and processes of this Legislature, that they are not at a higher level.

Let's put that behind. Let's look at this opportunity and say, "Congratulations." But

there are things going on here that the public should know about. It is showing a contempt of the processes of this House and I would be most grateful if the government would have that kind of openness that it talked about four years ago in this House, so that we who are members of the Ontario Legislature are able to learn first and be involved in this process. We have not been until now, and at this point, with the interjections from the Treasurer and the Attorney General, who are obviously upset by the truth, I obviously have hit a nerve. Maybe it is time they understood that those of us who care would appreciate being involved.

There is a great tradition in the Ombudsman's office in our province that will be continued, I am sure, with the appointment of Ms Jamieson. Our party would like to go on record and share in the compliments that go to her today, to her family and to all that she represents for this very important appointment. As the critic for the Ombudsman in our party and as a member of the standing committee on the Ombudsman, I happen to believe in the important role that Ms Jamieson will be able to play for all the people of the province of Ontario.

I think she will have a special role that goes beyond that of her predecessors, starting with Arthur Maloney and more recently with Dr Hill and Eleanor Meslin, but she will have a youthful attachment to it. She will have the interests of her own background, which will again give it a very special touch. I think our native Canadians, especially in Ontario, have a need to identify with someone who will understand their needs without a lot of explanations. I think, so often, when we are in government and we come from one part of the community or another, we would like to be able to go right away to someone who understands. With her background, I have little doubt that she will have that kind of empathy that is so important.

When I saw something of the credentials of Ms Jamieson, she has received awards in her short lifetime—a recognition award from the National Indian Brotherhood to honour outstanding and continuing contributions to the betterment of Indian people, the recognition award presented on behalf of the Anishnabai people of Ontario to honour individual initiative and courage, the recognition award presented on behalf of all of the chiefs of Ontario for exceptional leadership and contribution during tenure as the ex officio member of the special committee on Indian self-government.

1400

I think it is through that area that our own member the member for Carleton (Mr Sterling) had come to know Ms Jamieson. She received in 1984, the recognition award presented on behalf of the chiefs of the Assembly of First Nations and in 1984 the Ontario Bicentennial Medal. This lady is undoubtedly qualified, and I am very proud for her and for all of us that she has accepted this appointment. I look forward to working with her, and I know the people of Ontario will as well.

I think it is worth while to acknowledge the tremendous contribution that has been made by her predecessors. Dr Hill has left an indelible mark. He was a fighter and he fought for people's needs and he did so in the best interests of all; and his temporary replacement, Eleanor Meslin, I too would like to congratulate on her marvellous way of getting along with everybody, yet having a sense of purpose. It is good to see people like this serving the people of Ontario.

**Hon Mr Scott:** On a point of order, Mr Speaker: The act requires consultation, and I want the House to know that I wrote to the Leader of the Opposition (Mr Rae) for the support of his—

**Mr D. S. Cooke:** Sit down and join the debate this afternoon.

**Hon R. F. Nixon:** He doesn't want to talk to Philip.

**Hon Mr Scott:** He didn't talk to Philip, we understand.

**The Speaker:** Order. It is not a point of order. It is a point of view.

**Mr Philip:** The minister is so rarely here for a debate, it might be a new experience.

**Hon Mr Scott:** If you are typical of it, I am certainly not going to stay much longer.

**Mr Mackenzie:** Good job.

**Mr D. S. Cooke:** Leave now. Do us a favour.

**The Speaker:** Order. Are you finished yet? Statements by the ministry. The Minister of Education, etc.

## STATEMENT BY THE MINISTRY

### NATIONAL UNIVERSITIES WEEK

**Hon Mr Conway:** It is good to return to some levity, Mr Speaker, after all of that serious business.

National Universities Week provides all of us with an annual reminder of the many significant contributions universities have made to our province and to our nation and of the continuing

role they will play as we move into the learning society of the 1990s.

Our universities, as members well know, are the centre of our intellectual life. Today, as in the past, our universities respond to social and economic change and indeed they help shape that change in a fundamental way. They not only play a major role in enriching and transmitting our culture from one generation to the next but they help keep Ontario vibrant and competitive in the world economy. Our universities are centres of both practical and pure research. They are the training grounds for the development of tomorrow's researchers who are so vital to the continuing social and economic wellbeing of our province.

This year more than 300,000 full-time and part-time undergraduate and graduate students will attend our 22 university-level institutions pursuing knowledge in a wide variety of areas such as the arts, engineering and science. This unparalleled enrolment is a direct response to the joint efforts of the Ontario government and of the universities in Ontario to open up our post-secondary institutions to all residents in this province. Throughout this week our universities will open their doors to the community inviting parents, students, educators and others in the community to view the wide array of ongoing activities and to see at first hand the important role universities play in our day-to-day lives.

As Minister of Colleges and Universities, I am proud of the achievements made by all those involved in Ontario universities and I am confident that these institutions will continue to play a vital role in preparing this province and the nation for the challenges which lie ahead.

## RESPONSES

### NATIONAL UNIVERSITIES WEEK

**Mr R. F. Johnston:** One is used to a great deal of pomp and pap signifying nothing or very little; and I think that is what we have got today. It is difficult looking up from the bottom of the heap, I guess, when it comes to the various provinces in the country and where they stand on university funding; but when you are the bottom and are giving the least per capita, the least per thousand dollars earned in the province, the least per student, you have to basically come up with, I guess, a bunch of pap about the value of universities to our system of education because surely the bucks are not being put there. In fact, this government has done as much as any in this province to undervalue our universities by



significantly cutting back the dollars they require to meet the needs that are out there.

You just have to go across the way here, Mr Speaker, to the University of Toronto to see what overcrowding is all about at our post-secondary institutions at this point. You just have to go across there to see what deteriorating buildings and library stock are all about in this province. Thousands and thousands of books in the John P. Robarts Research Library are disintegrating as you pick them up—valuable resources at the heart of our universities not being renewed as they should be and yet we get up and celebrate National Universities Week, and Ontario is last in the land in terms of what it is giving.

We can talk about the wonderful access that has been made available, but statistically you just look—there has been very little change in who goes to university, especially in socio-economic terms in the province. Yes, there have been gains by women, there is little doubt about that. Yes, more rural students are going than previously went, but our francophone community is still underrepresented. Most of our new immigrant community is still underrepresented and certainly the poor and the economically disadvantaged do not make it to our post-secondary education, which most assuredly as we move into this next century will be the fundamental education that will be required for people to be able to handle what we are going to be facing.

This government can be proud and stand up today again about education knowing that students are leaving university with \$12,000 in debts on average—people in specialities with many many thousands of dollars in debts, greater than that before they launch their careers of one sort or another in Ontario. I suppose that is why the Minister of Education (Mr Conway) gets up today and gives us a bit of pap and flour, and very little in terms of substance because he knows exactly what the record of this government is.

**Mr Cousens:** We should have something to celebrate: the fact that we have so many young people and so many dedicated people within our universities who are coping and trying to succeed, in spite of some of the disadvantages that are placed upon them by funding problems and by problems that are really outside of their making. I think that this is one time which we in this House should stop and say that we still have a chance in this country to continue to develop one of the very best educational systems that the world has ever seen. If there is any resource that counts for this country now and in the future, it is our young people.

It is the capability of our people to go out into the world and carry the skills and the training that they have been able to obtain from us and our forbears and qualify them to make a contribution that takes them somewhere into the world that we see today suffering for the lack of education. So, National Universities Week has to be something that is seen as a positive move and our caucus is very pleased to see attention drawn to the high standards of teaching, research and scholastic achievement that is provided by our universities.

On the other hand, when the government stands up and claims things that it really should not be claiming, I think a few things should go on the record that just help to put things in balance. The Ontario government has reduced its spending as a percentage of the provincial budget in each year since 1985. How can a government stand up and say, "Oh, aren't we doing a great job," when what is is doing, in fact, is giving false hopes to people when it says it is putting an emphasis on it.

How can they say that when this very government has reduced its spending as a percentage of the total provincial budget in each year since 1985 when it came to office? It has done that and yet it does not want recognize it, so it is my pleasure on behalf of the opposition to ask it, "Why don't you put your money where your mouth is?"

Number 2: The Tripartite Committee on Interprovincial Comparisons found in August 1989, just a few months ago, that Ontario ranks 10th in provincial operating grants per student.

Interjections.

**The Speaker:** Order.

**Mr Cousens:** Ontario does not rank first, second or third. Ontario ranks 10th in provincial operating grants per student. I do not see that in the minister's press release. Why does the minister not tell everybody that he is not at the top of the ladder in spending and operating grants for the students during universities week. Why does he not? No, because that is not the kind of thing you are going to find in Liberal propaganda.

You are not going to find it in the minister's press release when he is trying to celebrate something. We are just reminding the honourable minister that the tripartite committee has looked at him and they rate Ontario number 10 in that area. I thought he was going to be number one in everything. The only thing he is number one in is in his own self-publicity.

**1410**

The next thing is the implication of the lack of funding both to the universities and to the



students at their own level, in that we are seeing fewer books, outdated equipment, deteriorating teaching and research standards. If this country is going to be first, as we are capable of being first, why do we not put the money in where it counts with our young people? We have to be making that investment. That is an investment for the future, and this government is not making it. They are talking a good story but they are not making the contribution where it counts.

Why is it that universities are mortgaging their future to pay for the present? Why is that St Michael's College is selling land to Tridel? Why is that Victoria College of the University of Toronto has leased land to Huang and Danczkay for a luxury motel? Why is it that the universities are being forced to do this? It has to do with funding and support where it counts, and this government is not putting that money where it should be.

My last point has to touch on the whole business of the Ontario student assistance program, OSAP. If we are going to celebrate National Universities Week, why can we not be doing something more to make funding available for those young people who want to go to school whose parents are not backing them and who are just not able to do it? They are ending up having to go to other places because there is not any way they can go to the bank, their parents or anyone else; and the government, through the Ontario student assistance program, is failing large numbers of students because it is not putting the money where those kids can get a hold of it.

We have reason to be proud. We have something there to be built upon, not to allow it to be eroded and wear down because of the lack of commitment and investment by this government. Unfortunately, there is more to cry about than there is to celebrate in this announcement.

Interjections.

**The Speaker:** Order.

## ORAL QUESTIONS

### OCCUPATIONAL HEALTH AND SAFETY

**Mr Laughren:** I have a question for the Minister of Labour concerning Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act. In his remarks on second reading last Thursday, the minister acknowledged the fact that there were 360 work-related deaths in Ontario last year and over 400,000 accidents. The minister will know as well that when Bill 208 was given first reading in January of this year, earlier this year, there was very clearly a principle in that bill that gave an

inspector on a job the right to shut down an unsafe operation.

Perhaps the minister could explain to us why is it now that he has completely pulled the rug from underneath that provision, that basic principle in that bill.

**Hon Mr Phillips:** I think it is very important that I remind the members that we have not pulled the rug on that. We are proceeding with Bill 208. We are proceeding with the essential elements of Bill 208. It is a bill that will be the most progressive piece of occupational health and safety legislation in North America.

The one element of the bill—and the honourable member has to read carefully my remarks—I said very clearly that I would like the committee in public hearings. Because all of the discussions to date, frankly, have taken place with consultations in private, I want broad, public consultation on that whole issue to see if there is a better way of handling the right to stop work. Perhaps in the end we will stay exactly as it was proposed in Bill 208, but I want broad, public consultations on that important issue.

**Mr Laughren:** Yes, indeed. The minister claims that he has not made any changes, but his remarks state otherwise. He says quite clearly in his remarks on second reading that the status quo would remain the workplace, namely, the internal responsibility system, unless the health and safety record of the employer was really bad, when some alternative method would have to be examined.

Could the minister tell us why he needs more safeguards on the stop-work? The existing legislation has not been abused. I am sure the minister would agree with that. Already in Bill 208, before it has been amended, the provisions are very clear: Before a workplace can be shut down the act or the regulations must be contravened, the contravention poses a danger or a hazard to the worker and the danger or hazard is such that any delay in controlling it will cause serious risk to a worker. Finally, if there is a frivolous dislocation or stopping of work, that worker, that inspector would be decertified by the health and safety agency. What more could you ask in the way of safeguards against any kind of frivolous stoppage of work?

**Hon Mr Phillips:** I think it is extremely important to say what I said earlier, and that is that we are dedicated in this bill to finding the best possible way to stop those 400,000 plus accidents each year in the workplace. What I said in my remarks was very clear, that we want to

have broad public consultation on that. I said that is one possible solution—one possible solution.

It may very well be that the best solution is the one that we have currently in the bill. But underlining the whole bill is a partnership, how we can get management and labour, the workers and the employers to work closely together to solve that issue. If the best route is the one that is currently in the bill, then so be it; but if there is a better way to do it, and surely the best way to find that out is through broad public consultations, I think we should avail ourselves of that opportunity.

**Mr Laughren:** That sounds reasonable.

**Mr Mackenzie:** I think the minister just gave us the “in” with his final comments. The minister says in his opening statement that the internal responsibility system is the cornerstone of health and safety legislation in Ontario and has been for the last 10 years, a position supported by the standing committee for resources development in its report on mining, which we supported.

If that is true, why is he now changing that cornerstone by changing the makeup or suggesting the changing of the makeup from a bipartite control of the safety and health organization in Ontario to a tripartite, which has given us the problems with the third-party chairman?

**Hon Mr Phillips:** That is the reason I guess got a little impatient on Thursday. I would ask the member to read my statement very carefully. I say “the essential...bipartite nature of joint accountability and trust in this agency would be threatened if the bill did not require the chair to be selected by the parties and be accountable to them.”

That is why I asked on Thursday to read very carefully my statement, because I think it is important that we keep the bipartite nature of the agency, we find a way that the two parties are responsible for the entire operation of this agency. That is why I said that statement very clearly on Thursday and why I would hope that the members opposite would read it carefully.

#### HOSPITAL SERVICES

**Mr Reville:** My question is for the Premier. Last week we were shocked to hear the story of a doctor's frantic search to save a woman's life. The government at first declined to comment, and then both the Premier and the Minister of Health (Mrs Caplan) suggested that if only the doctor had called the hotline, all would have been well.

My question for the Premier is, why would the Premier try to shift the blame on to the doctor, or

was he just acting on the basis of incorrect information that he got from one of the Minister of Health's cue cards?

**Hon Mr Peterson:** It is not a question of shifting blame anywhere. These are the facts as best we have determined them.

**Mr Reville:** I have talked to a lot of doctors who have been angry at this government's activity before, and over the last few days I have talked to doctors who are absolutely livid. They said either there is no hotline, that such a hotline is so poorly publicized as to be useless or that this hotline cannot provide the information that the Premier alleges it can: both a bed and a specialist.

I ask again, which of those facts are correct, or is the Premier trying to shift the blame for a failure of the system on to a doctor?

**Hon Mr Peterson:** I think I told the member the facts as we understand them.

**Mr Reville:** The facts are that this hotline, so-called, is a consultative service that talks about what kind of treatment might be appropriate, not where such treatment could be gained, according to the information I have been able to get.

Maybe the Premier can do better at this in terms of the failure of his system. Does he think it is appropriate to transfer people who have been burned over 50 per cent of their body, third-degree burns, from hospital to hospital because his government will not put in place enough nursing staff to take care of such people?

**Hon Mr Peterson:** The member is referring to the incident at Wellesley, and I gather the patients were taken care of at Scarborough. There was an internal problem there with respect to staff but, as I understand it, that situation was handled appropriately and the patient got the appropriate treatment.

1420

**The Speaker:** New question, the member for Nipissing.

**Mr Harris:** To the Premier as well. I would like to follow up on this whole issue and see if we can determine what the strategy is and why there even needs to be a strategy.

When we first raised this issue with both the Premier and the Minister of Health, the Minister of Health told the House “No comment. I cannot comment on that. I have been given advice not to comment on it.” I think the Attorney General (Mr Scott) at the time sat there and nodded yes, that was good advice because of a possible coroner's inquest.



The next day, the Premier and the minister were both quick to comment and to blame Dr Nesdoly, that somehow he had overlooked a hotline number that they claimed was there. Today, the Minister of Health is giving the media interviews claiming to have letters from the hospitals that Dr Nesdoly said he contacted and now she is busy trying to drum up a whole bunch of letters from somebody in those hospitals, I guess, saying that he did not contact them.

I guess really what I want to ask the Premier is, does he agree with the original strategy for damage control, I suppose, which was that there is going to be coroner's inquest and there should be no comment, or does he agree with this latest strategy, which is to get all the information out there he can to discredit Dr Nesdoly and shuffle the blame off somehow on somebody else, instead of looking at what indeed is the health care system and the problems that are there?

**Hon Mr Peterson:** Unlike my honourable friend, I have no desire to discredit anybody. All we want to do is get at the facts of the situation and make sure that these kind of things do not happen again, if in fact they are preventable. The situation was explained to the member, that the letter from Dr Stoughton explaining the system is there. There is a system there in place if people want to take advantage of it.

Now the question is, why was it not taken advantage of? I am not casting aspersions on anyone. I am not casting blame the way the member is. He is very quick to stand up and cast blame every single day in this House, and that is fair enough. The coroner's inquest has been called and the coroner will get to look at all of these facts and come up with his independent judgements.

**Mr Harris:** Both the Premier and the Minister of Health have taken great pains to say that there is this hotline and Dr Nesdoly was somehow—they have certainly inferred—neglectful in not using the hotline. We contacted the integrated trauma program at Sunnybrook, which tried to help Dr Nesdoly find a bed. They have never heard of the hotline. A spokesman for the Ontario Medical Association has never heard of the hotline. The Hospital Council of Metropolitan Toronto has never heard of the hotline.

I would ask the Premier, rather than himself, the minister, perhaps the mayor of Gotham City and Bruce Wayne, can he tell us why nobody else all across this province in the medical community has ever heard of this mysterious hotline?

**Hon Mr Peterson:** Perhaps the hotline is designed to assist smaller hospitals locate pa-

tients in areas where they do not have the confidence or the expertise to deal with it. This hotline was set up some 10 years ago to assist the smaller hospitals. It is an initiative of the Toronto General Hospital. Posters and publicity have been distributed several times, I am told, in the last few years. Probably it was even started by the member's government. Maybe I should ask the question, why did they not publicize better then, 10 years ago, when they started it?

**Mr Harris:** Listen. I am delighted to answer questions. I think we did publicize it for what it was to be used for.

Here in my hand, dated June 1989, is a copy of the Ministry of Health Guidelines for Hospital Emergency Units in Ontario. That is the title of it. These are guidelines, the document states, developed to ensure that hospitals are capable of handling emergency patients properly, including arrangements for the rapid transfer to another facility if need be, and the last page of the document lists the essential phone numbers for the emergency units. They include central air ambulance, the control centre, the provincial poison information centre, the hazardous goods information—

**The Speaker:** Question?

**Mr Harris:** —the hyperbaric oxygen chambers and the organ retrieval program.

But lo and behold, these guidelines do not contain the mystery number that the Premier says should have been used. I would ask the Premier, if these guidelines have been in place as he says for 10 years, why, in the June 1989 guidelines, does that number not appear there for use by doctors and emergency units across this province?

**Hon Mr Peterson:** As I understand it, this is a service for the smaller hospitals that do not have the complete facilities that some of the larger hospitals have. The line is used. I gather there were some 800 calls last year. Obviously, some people are availing themselves of the services of this particular hotline and perhaps could have been a help in these circumstances.

The member and I will never know for sure about that, given the nature of the particular case. But let me say, a coroner's inquest will look into all of this, and if the member has views, I am sure the coroner will be delighted to hear them.

#### RAPE CRISIS CENTRES

**Mr Jackson:** I have a question for the Solicitor General. It has to do with another crisis, the crisis line in Simcoe county which is being used more frequently and in a desperate sort of



way as a response to government underfunding. I speak of the Barrie and District Rape Crisis Centre line which the minister will be aware is in jeopardy as a result of the insufficient funding that is flowing to that centre.

The statistics are clear. The clients served have increased by 32 per cent in the last year. The clients who have contacted the centre but not necessarily received services have increased by almost 70 per cent and the percentage of victims who have reported, which has led to police charges, is now 75 per cent, one of the highest in the province, and it has grown by threefold in just one year.

How can the minister expect centres like the Barrie and District Rape Crisis Centre to meet the needs of sexual assault victims in this province when he continues to look at funding at a less than adequate level?

**Hon Mr Offer:** With respect to the question, I would like to inform the member that, currently, this Solicitor General is a member of a ministerial committee chaired by the Ontario women's directorate. The purpose of this committee is to look at a wide range of issues, all surrounding rape crisis centres and sexual assault centres.

Some of the issues we are going to be looking at and are currently looking at are the whole question of education, the whole question of outreach, the whole question of how best to serve the particular areas which have to be served and the whole question of financing both short term and long term.

I would like to make it very clear that not only that centre but all of the other centres, 20 I believe in total, are providing an important and critical role to many people in this province and we are currently assessing all of these centres with a view to how we can best provide the most effective service.

**Mr Jackson:** Every centre in this province would like to tell the Solicitor General that that is a copout, that is a delay, that is a stalling tactic. There are serious, tragic, human repercussions to the fact that when they call his office for assistance he replays this same statement he has made in the House. "Well, you have to give us time. My hands are tied" was the line he used on the phone. I am surprised he did not bring it up here in the House.

The fact still remains that the Barrie centre has done everything it can to reduce the size of its accommodation. Its part-time staff are in jeopardy of leaving. The centre is in jeopardy of closing. But if the Solicitor General says he is assessing the need, how come they have had to

cancel their training of the doctor program because the Minister of Health (Mrs Caplan) did not provide funding? How can he say he is helpful if the self-help groups in Simcoe county have all been cancelled? I can inform the minister that the court support program, a most critical program of support to victims before they go to court, is in jeopardy of being cancelled.

I ask the minister if he agrees with the position and the statement made by his own member for Simcoe Centre (Mr Owen) who said that the problem with the centre is that it has got to be more innovative with its funding approaches? Does the minister agree that is the solution?

**The Speaker:** Order. It is not speech time.

**Hon Mr Offer:** The programs which the member has alluded to are just some of a number of programs. We have pilot projects dealing with victim crisis centres. We have a whole range of outreach to provide effective, immediate care to those who have suffered spousal sexual assault and we are continuing to address these particular needs.

**1430**

I would like to indicate that in the past year we have been increasing the funding to the centres across the province. We are continuing to look at this particular area, but I would like to make it very clear that in the past year we have been increasing funding so that those centres, designed for a very specific purpose, are able to provide that particular service in the most effective and efficient way possible.

**Mr Jackson:** The Barrie and District Rape Crisis Centre is now dealing with victims and client lists as young as two years of age and as old as 76 years of age. When the phone rings, they are having to tell people, "I'm sorry, but the program has been cancelled." Then they are asked what they can then do and they are told, "I'm sorry, there's nothing we can do." The consequences of these waiting lists are very tragic in proportion to what is going on with these victims. For the minister to say that he is doing something, that he is studying something, is little comfort to the people who are now phoning in increasing numbers.

My question is simply this: The person responsible for running this centre is very qualified. She is a registered nurse. She is considered an expert in her field both in the courts and in the medical community. She is earning \$20,000 a year and she may, even by reducing her salary that far, have to close the centre.

**The Speaker:** Question?

**Mr Jackson:** I ask the minister, is this the position of his government, is this his sense of priority, when we discover through a question in Orders and Notices that his predecessor responsible for women's issues was paying his personal chauffeur \$30,000 a year? Does the minister think that is fair, that this kind of inequity as it existed within his own government in terms of the value he puts on the personnel who run our rape—

**The Speaker:** Thank you.

**Hon Mr Offer:** Let me reiterate that these centres are providing an important and critical service and function for many people across this province. There is also the point to be made that they are dealing with a wide range of issues. They are dealing with issues not only with respect to sexual assault; they are dealing with counselling, long-term and short-term.

We are looking at and reviewing some of the areas in which they are currently functioning and some of the services which they are currently providing, but I would like to indicate that there is right now an interministerial committee which is designed and is continuing to look at some of those very important issues, such as long-term and short-term funding, education and outreach programs.

We are committed to continue to allow the centres to provide that particular service so necessary in this province. This government has reiterated time and time again, and has shown through its programs, that these centres perform an important and critical role, and through a concerted and co-ordinated effort, we expect that will continue in the future.

**GENERAL MOTORS VAN PLANT**

**Mr R. F. Johnston:** I have a question for the Premier. During the recession of the early 1980s, our riding lost the SKF plant, the CGE plant and a number of other smaller plants, but last Thursday's announcement almost doubled the total number of layoffs we experienced during those very hard times.

Even during those very bad years, General Motors guaranteed us that Canada would keep van production; a portion of the van production would be maintained here no matter what they did in Flint, Michigan. Now that we have had the free trade agreement, we have this major rationalization taking place in the United States and we are losing the van plant, the major employer in my riding and in most of Scarborough.

I would like to ask the Premier today, since we have no plant closure justification policies in this government yet, even though it was proposed in 1981, even though the Premier made the promise he would stop the trade deal if they gutted the auto pact—

**The Speaker:** Question?

**Mr R. F. Johnston:**—what are the Premier's plans to help these workers and to stop the unfair closure of a very efficient plant?

**Hon Mr Peterson:** I think, if I may, I will refer to the Minister of Industry, Trade and Technology, who can assist my honourable friend in the discussions that have been ongoing with General Motors.

**Hon Mr Kwinter:** Members will know that General Motors gave notice last week that it will be terminating van production in its Scarborough plant at some indefinite period in the future. Having said that, they have acknowledged that it is a very productive workforce and that because of rationalization in the industry across North America, they had to make that move.

We are very concerned about the 2,700 employees; there are 2,500 hourly rated employees and 200 salaried employees. We are meeting with GM officials and the other stakeholders to make sure we can come up with another solution. I think it is only fair to say that, although they said in their announcement that the van plant would be closed, they are looking at other production abilities in that plant and a way to keep those jobs going. We are monitoring it very closely, and we will be working with on it.

**Mr R. F. Johnston:** It sounds to me as if the minister is being hoodwinked. I hope the government is not being hoodwinked.

This morning at the mayor's meeting, the GM people put forward the same position, but the Canadian Auto Workers people are telling me that the plan to close the plant is definite for the summer of 1992—and it has been established as such in Detroit—and that Flint, Michigan, started retooling last summer to prepare for this very prospect. It is part of a plan to use multiplant complexes, not single-plant complexes. Therefore, that does not fit into their overall plans.

They are doing this for political reasons. They have closed several plants in the United States, and they do not feel they can close another. It is easy to close here in Ontario.

**The Speaker:** And the question?

**Mr R. F. Johnston:** It comes down to that. I want to ask the minister, what political pressure is he going to put on to make sure we do not lose



this plant, which it was promised just a few years ago would stay, rather than accepting their word on this, when it clearly is not necessarily the case at all?

**Hon Mr Kwinter:** I think in all fairness, if the member would look at the record, 17 plants have been closed by General Motors in the United States since 1980—

**Mr R. F. Johnston:** That's their line.

**Hon Mr Kwinter:** It is not their line; it is a fact.

Interjection.

**The Speaker:** Order.

**Hon Mr Kwinter:** In the same period of time, \$8 billion has been invested by General Motors in the Canadian automobile industry. We have to take them at face value. We are very concerned about those jobs that are located in Scarborough. We are working with the company to make sure we can help facilitate—

**Mr R. F. Johnston:** You're working with the company. That's your approach.

**Hon Mr Kwinter:** I will tell my friend, if you do not work with the company, those jobs will be gone. If they are going to stay, it is only—

**Mr R. F. Johnston:** You're just swallowing their line, like you always do—hook, line and sinker.

**The Speaker:** Order. The member for Scarborough West asked the question—

Interjections.

**The Speaker:** Order. New question. The member for Carleton.

#### CAPITAL FUNDING FOR SCHOOLS

**Mr Sterling:** I have a question of the Minister of Education. A few years ago, when the province helped build schools, it provided 75 per cent of the capital funding. In recent years, that has dropped to 60 per cent of the capital funding. If a board is forced into a situation, as is the case for the Carleton Board of Education and the Carleton Roman Catholic Separate School Board, to buy portables each year to make up for the deficiency in capital funding which the minister's government is providing to them, what is a fair percentage for the government to pay for those portable classrooms?

**Hon Mr Conway:** My friend the member for Carleton invites us over here to remember the old days and, for my friends over here, I want to remember the old days. I will never forget, as my friend the Premier (Mr Peterson) will never forget, the pathetic spectacle in 1984 when the

poor member for Carleton, then a minister of the crown, went begging up and down that hallway trying to get some money to build a badly needed school in Barrhaven. Poor old Bette Stephenson slapped him six ways to Sunday.

To his credit, the member for Carleton was able to come away from that unhappy exchange, from his point of view, with something, but I will tell the members that the something which the niggardly Tories were prepared to offer the member for Carleton and his colleagues was very little, as compared to, for example, what my friend the Premier, the Treasurer (Mr R. F. Nixon) and the former Minister of Education announced earlier this year—fully \$900 million worth of provincial capital, which we expect will generate over \$1.3 billion worth of school projects, new and renewed across the province.

Against that benchmark, I want to say, the member for Carleton is right: Those old days were bad days, bad days in Barrhaven, and we are happy to provide much better levels of assistance.

Interjections.

**The Speaker:** Order.

1440

**Mr Sterling:** I am sorry the minister has responded in that fashion. I find it—

Interjections.

**The Speaker:** Order.

**Mr Sterling:** He can play games, but we are talking about children and space for children and schools.

Interjections.

**The Speaker:** Order.

**Mr Sterling:** The Carleton Board of Education, in addition to the number of students it was expecting this year, had 318 additional students show up for school on 1 September. That required an additional 14 portable classrooms. The total number of portable classrooms added for the Carleton Board of Education this year is 64.

According to the calculations I have been provided with, the province is providing \$500,000 of some \$3 million spent for 64 portable classrooms. Does the minister think it is fair that the province is willing to pick up only 16 per cent of the cost of providing portable classrooms? I would ask him to answer seriously this time.

**Hon Mr Conway:** I always answer my friend seriously because he would not expect me to behave in any other fashion. He invited the



discussion about the old days, and I thought it would be useful for the House to know something about the context.

My friend talks about what the Carleton boards, public and separate, have received. I well remember, when I was Minister of Education last time, receiving delegations from the Carleton board about the need for the multimillion-dollar West Carlton facility. We built that school with the Carleton board, one of the most beautiful new schools anywhere in Ontario.

The Carleton Roman Catholic Separate School Board and my friend the member for Ottawa-Rideau (Mrs O'Neill) and others from the national capital area—in this caucus, the member for Nepean (Mr Daigeler), the member for Ottawa West (Mr Chiarelli), the member for Ottawa Centre (Mr Patten), and all the other ridings in the national capital area—have come to me, and the Carleton Roman Catholic Separate School Board has received very substantial allocations.

There are two things furthermore. We do not suggest we have done all that has to be done, but we have done a lot more than the Tories did before us. My friend the member for Carleton knows that one of the reasons we are debating Bill 20 in this House is that we want to give fast-growth boards, like the Carleton boards, additional instruments so they can find other ways of dealing with some of the very heavy growth pressures.

I repeat, \$900 million was announced earlier this year by the Treasurer, and we think that is putting a lot of resources in an important area, not just in Carleton but elsewhere in Ontario.

#### CONSUMER PROTECTION

**Ms Poole:** My question was for the Minister of the Environment (Mr Bradley). In his absence, I will direct it to the Minister of Consumer and Commercial Relations.

A recent Angus Reid poll of 3,000 Canadians showed that a new green generation of environmentally conscious Canadians is emerging: people who are willing and ready to change both their habits and their attitudes in order to protect the environment. At the same time, it has become obvious that business too is very aware of environmental concerns.

I have two products here, both common baking soda. One has "green environment-friendly product" on it. The other has "a product friendly to the environment." While I applaud such initiatives from business, I am concerned. I

would like to ask the minister if the government plans to regulate the use of the words "green" and "environment-friendly product," so that we do not see these words on products that are not friendly to the environment.

**Hon Mr Sorbara:** I think it is a very important question. What my friend the member for Eglinton points out, although the members of the New Democratic Party obviously do not want to listen to it because they are screaming across the floor—

**Mr Breaugh:** We haven't heard anything yet.

**Hon Mr Sorbara:** My friend opposite could have listened to the question.

What my friend the member for Eglinton points out is the dramatic change that is taking place among consumers, among business people, among retailers, among really the entire population. I think programs like the one the Minister of the Environment has launched for recycling in this province will not only do a marvellous job of recycling but also will teach all of us, in particular our children, the importance of doing things that help, not hurt the environment.

Just on the question of the use of words like "environmentally friendly products" or "green," I want to tell my friend the member for Eglinton two things. The first is that although businesses want in general to start being far more sensitive to the environment than they may have been in the past, there is some danger of the possibility that there would be some misuse of those terms. That matter would be regulated by the federal government, but our consumer protection offices work directly with them to assure that the customers are not misled.

**Ms Poole:** I would ask the minister if he would be prepared to work with both the Minister of the Environment and the federal government to try to ensure that these words are regulated so that we can protect Canadians from being exploited in the future.

**Hon Mr Sorbara:** It is a very interesting suggestion. I want to tell my friend the member for Eglinton that I am going to speak with the Minister of the Environment about how we might be sure that consumers, in their desire to be helpers of the environment, can be satisfied when they do their shopping that they are making choices that do just that. I will take her suggestion to him and to the federal government.

#### INCOME TAX

**Mr Laughren:** I have a question for the Treasurer, who will know that the public

accounts for the fiscal year ended 31 March 1989, which were tabled last week, show that provincial income tax revenues were over \$1 billion more than he had forecast. Since that represents an increase of about \$4.5 billion from the time his government took power in 1985, could the Treasurer tell us why he has not introduced a higher degree of progressivity into the tax system. Also, when he is responding, would he please not use the answer that he has abolished OHIP premiums, because 70 per cent of those were already paid for by employers, and there is OHIP premium assistance in place anyway.

**Hon R. F. Nixon:** In answer to the honourable member, I draw to his attention that we have announced the abolition of OHIP premiums and that in fact this will mean about \$500 million will be left in the pockets of the individuals in the province who pay their own premiums or for their families, and for the rest of us who get our premiums paid by our employers it will really mean that our personal income tax payable will be reduced by that value. We think in large measure this does increase the progressivity of the whole tax base by returning essentially \$1 billion to the pockets of the individuals in the province. We feel in many respects we have not had sufficient credit for that initiative.

**Mr Laughren:** It is obvious that the Treasurer has no other reason for not increasing progressivity. He should know that today in Ontario a family of four with an income of about \$14,500—\$10,000 below the poverty line—still pays provincial income tax. For \$150 million out of that \$1 billion more than he had forecast, the Treasurer could have eliminated provincial income taxes for everyone below the poverty line in Ontario. Why has he not done that?

**Hon R. F. Nixon:** The honourable member knows that in the budgets that have been presented to the House in the last four years, the tax reduction program of the government has been strengthened year by year. I would have liked it to have been strengthened by another \$150 million, but the decisions were made that the allocations for hospitals, education and roads had to also take their place. The honourable member has suggested previously that more money be allocated in this program, and it will continue to be given careful consideration as we make early plans for next year's budget.

1450

#### ST LAWRENCE SQUARE/ATARATIRI

**Mr Harris:** My question is to the Minister of Housing. Last Thursday I asked the minister

about Metro Toronto council's decision to allocate 2,500 units of the St Lawrence Square development for a media village for the 1996 Olympics. The minister indicated that he was not aware of that proposal and that indeed, as far as he knew, that was not the case. Given the fact that the province's allocated \$215 million in support to this project, I am sure by now the minister has read the 31st page of this fairly thick document, which is the Report on City of Toronto's Bid on 1996 Olympic Games. I will ask the minister again, does he agree with Metro's decision in this document to designate one third of the units of the St Lawrence Square project for the Olympics in 1996?

**Hon Mr Sweeney:** My honourable friend will perhaps realize from my response to his question last week that I was indicating that there are two objectives of Metro council, and that is to provide some housing units for the Olympic athletes themselves on the Spadina Avenue site across from the dome, and given the additional information he made available to me later on Thursday, it is also looking at providing some housing sites for the media on the St Lawrence site.

I doublechecked that background information and discovered, in light of the question that was asked of me, that the 1996 date he referred to had no bearing at all on what else was going to be happening at the St Lawrence site, that in fact the proposal to go ahead with the units on that site is still slated for the 1990-91 year, give or take a few months. The particular reference to the media people on that would be that when that particular group of units would come up around about 1996, then they could be made available to the media for a short period of time, and immediately converted for a more public use in a variety of ways.

It was also drawn to my attention that where the original intent was to spread this out over 12 years—

**The Speaker:** Thank you. Perhaps we should keep a little in case there is a supplementary.

**Mr Harris:** Indeed, there is a supplementary. Nowhere in the original press release, the great fanfare of 14 months ago, does it say anything about 10 or 12 years. In fact, it says the units would begin to be made available in 1990. According to that press release, 60 per cent of the housing would be developed under nonprofit housing programs and for ownership and rental by low- to moderate-income households.

Does the Olympic bid proposal mean the market value units are the ones then that will



come on stream, obviously not in 1990 but in 1991-92-93, and that we will have to wait now until 1996, eight years after the announcement, before we get to the affordable units, those units the government will be involved in and in fact will be made available to the media for the Olympics and then to the public afterwards? Is that really what it says, that eight years after the announcement the affordable government-sponsored units will finally be available for low-income Torontonians?

**Hon Mr Sweeney:** The answer to the honourable member's question is no. There will be during the process, beginning in 1990-91, roughly about 1,000 units per year coming on. The member should not hold me to those figures exactly, but roughly in that area. In some years it is going to be more than a thousand and in some years it is going to be slightly less than a thousand, but that is about the average.

There will be a mix during those years of affordable units for sale. There will be units that will be market rentals. There will be units that will be subsidized rentals and there will be completely nonprofit units. It is all part of that complex. They are all being done during that staging from approximately 1990-91 through to about 1996.

Let me come back with a point I made earlier. The figures I was shown originally did indicate that the whole project was intended to be spread out over about a 12-year period, in other words to about the year 2000. It has now been contracted so that the entire project will be finished by 1996, not just half of it. The particular units the member is talking about certainly will not be restricted to the affordable units.

### LOTTERY PROFITS

**Mr Mahoney:** My question is to the Treasurer. In the 1998 Ontario budget the Treasurer announced that provincial spending for the operation of hospitals and the Ontario Trillium Foundation would be made eligible for lottery funding. As a result, the existing lottery dedication consisting of recreation, culture and fitness activities would be expanded to include these new purposes and Bill 119 was introduced to address the issue. During the summer, public hearings were held in connection with this bill and many recreational groups around the province as well as the city of Mississauga have expressed concern over redistribution of lottery profits.

My question is, can the Treasurer assure this House that the redistribution of lottery profits to

include hospitals and the Ontario Trillium Foundation will not jeopardize provincial spending on recreation and cultural programs?

**Hon R. F. Nixon:** I can give that assurance to the honourable member. I think probably the best guarantee of that is that the budget and the specific spending proposals are presented to the Legislature year by year. The honourable members have expressed their views, not only to the committee but to me in the House and personally in such a way that I am sure they would not permit a budget or an allocation procedure to go forward without adequate allocation for cultural and recreational purposes. Although the amount allocated has varied, it has usually been in the range of about \$100 million up to about \$130 million maximum. I can give the assurance to the honourable member that as long as it is my responsibility to assist in that allocation, they will not be disadvantaged.

**Mr Mahoney:** I would like to point out to the Treasurer that on 14 September 1989 my city, the city of Mississauga, made a presentation to the standing committee on general government. I would like to quote briefly from that presentation, wherein it said:

"Recreation is not just about arenas, gym shirts and whistles. Recreation truly is an essential component of the fabric which makes Ontario communities what they are. The provincial government has recognized this fact in its community recreation policy statement. Continued good leadership is further required to ensure that appropriate funding, indexed to inflation, is always in place so that the quality of life experienced by Ontario and Mississauga residents is second to none."

My community has a lot of concern that this leadership will continue to be shown.

**The Speaker:** The question?

**Mr Mahoney:** Will the Treasurer assure us that appropriate funding will be in place to assist in the continuation of programs that provide all our residents with such a high quality of life?

**Hon R. F. Nixon:** As usual, the city of Mississauga made an excellent presentation. I had an opportunity to attend the committee just last week to respond to some of the questions and to offer an amendment that was necessary before the bill was brought back to this House. At that time, in response to questions from the honourable members, I gave a personal assurance that the allocation for the next three years would not fall below \$120 million a year. This might not be seen to be sufficient by everyone, but it does



leave considerable leeway for the inclusion of hospital financing, at least in part, in the general funding that comes from the Ontario Lottery Corp.

Most members know, I am sure, that we are expecting in the coming year about \$500 million in net revenue from the corporation, and of that about \$120 million minimum would be allocated for the purposes the honourable member refers to.

#### CHARGE UNDER ABANDONED ORCHARDS ACT

**Mr Allen:** A question for the Minister of Agriculture and Food: In June of this year, a constituent of mine by the name of Leo Welkowics was taken to court by the ministry and charged under the Abandoned Orchards Act. There are two requirements for proceeding under the act, one of which, I underline, is a necessity. The orchard must be "an orchard, the fruit of which has not been produced for sale for human consumption for two consecutive growing seasons." I am sending across with one of the pages to the minister of agriculture contracts which will demonstrate that they are contracts Mr Welkowics has had for each of the past three years. He continues to sell commercially.

Would the minister please explain to me why he has proceeded against Mr Welkowics when it is improper under the terms of the act, and how he ever secured a conviction when he has continued to sell fruit in considerable quantity in recent years and continues to do so?

**Hon Mr Ramsay:** It would give me great pleasure to be able to give my colleague across the way an answer, but I cannot because I am not aware of this particular case. I would like to thank the member for bringing this to my attention and I will endeavour to get back an answer to his inquiry in the next few days.

**Mr Allen:** I would certainly appreciate it if the minister did. I called it to the attention of his staff, I believe two weeks ago, and had some discussion with them and no change was made in their intent to proceed again against Mr Welkowics in November. He will see from the documents that there is indeed continual commercial use of the orchard. This man has also continued to sell pears on the commercial market from a stand, from his farm.

The minister has no ground, his ministry has no ground to proceed against this man and I would like him to get his officials off his back and to cease and desist until he has reason to proceed.

**Hon Mr Ramsay:** This case appears to be in litigation. As I have said to the member, I would be pleased to find out the information and get back to him in a couple of days.

#### 1500

#### INFRASTRUCTURE FINANCING

**Mr Villeneuve:** I have a question for the Minister of the Environment. I know the minister is very well aware of a very serious financial problem with the recent installation of a sewer and water system in the Purcell subdivision, Charlottenburgh township, in the county of Glengarry, an area I very proudly represented until the 1987 election.

The cost of the system went from \$2.6 million in 1984 to somewhere around \$7 million upon recent completion, almost three times more than originally estimated. Residents of the Purcell subdivision are facing tax increases of from 300 to 500 per cent. These costs include a per-household operating cost of about \$1,000 a year. When can the residents of this subdivision expect assistance on the advice from his ministry?

**Hon Mr Bradley:** I know the member is aware of the many needs that exist in all of the province of Ontario, and specifically in his area. He has been pleased to share with me on a number of occasions some of the items that are of concern to him and I share those concerns.

I would say, however, that I know he would want us to address on a priority basis those projects that have the greatest environmental and health related components. I suppose that everybody who makes a proposal to us indicates that, but what we have tried to do—there have been a number of projects in eastern Ontario that have been funded on this basis, not as many as he and I would like, but a number have been funded—is to have our ministry officials look, on a technical and scientific and totally objective basis, on those projects that should proceed with funding in the particular year and others that would wait to a subsequent year.

If we are talking about areas where it is simply a matter of growth in a specific area, then of course the concern is that this is not going to be as high on the list. The member for Cornwall (Mr Cleary) has shared his concerns about this matter with me. The member for Cornwall has on a number of occasions brought to my attention the concern of the citizens in the area and certainly we are—

**The Speaker:** Thank you.

**Mr Villeneuve:** On Wednesday 23 August, pursuant to questions from myself in the public

accounts committee, the deputy minister, and I quote, said the following: "I take your point that there is a program for northern Ontario and not one for eastern Ontario, that there is no special program for any region of the province other than the north. But in the kind of circumstances you are mentioning our advice to a municipality would be to sit down at a meeting with ourselves and the Ministry of Municipal Affairs to consider its situation."

This is a system that is now in place. It is all done. It went from \$2.6 million in anticipated costs to \$7 million. We have a major financial crisis. We have 28 per cent of the residents who are now in tax arrears, before the tax increases and they are getting from 300 to 400 per cent annual increases. Many homes are for sale; no buyers. There is a major financial crisis. We were given advice by the minister's deputy minister that if we met with the Ministry of Municipal Affairs there would be assistance forthcoming. We are in dire straits. We need confirmation of that assistance now.

**Hon Mr Bradley:** Our officials would be pleased to discuss with officials of the Ministry of Municipal Affairs the specific concerns of the people, as has been requested by the member for Cornwall on a number of occasions. I know that the member for Stormont, Dundas and Glengarry shares the member for Cornwall's concerns and he has in fact suggested that there may be assistance from other ministries, other than the Ministry of the Environment.

One of the problems we encounter of course—the auditor does not view this with very much enthusiasm—is that when you go retroactively and begin funding projects retroactively, then his critic in public accounts I think could justifiably say that it is not the appropriate financial way of dealing with things, when they ask that you go retroactively.

Right across the province I get asked by people who want us to go retroactively. In fairness to many of the people the member has brought to my attention, many of his own municipalities and others are looking for funding for various projects. If we are going back to fund others retroactively that did not receive specific approval, then it bumps them back on the list, so it is a real dilemma for somebody like me. But I would be pleased, as the member for Cornwall and yourself have both suggested, that we discuss this with the Ministry of Municipal Affairs. The Minister of Municipal Affairs (Mr Sweeney) is here today and I would be happy to do that on behalf of those people.

## PORK INDUSTRY

**Mr Tatham:** My question is to the Minister of Agriculture and Food. Again and again it would appear that Ontario's agricultural sector is under attack by our friends to the south. The other day I raised in the House the issue of the General Agreement on Tariffs and Trade panel ruling against Canadian ice cream and yoghurt. Today, I would like to bring to the attention of the House the recent action by the United States International Trade Commission to impose a countervailing duty on Canadian fresh, chilled and frozen pork. What are the ramifications of this move upon Ontario's pork producers and processors.

**Hon Mr Ramsay:** I share the member's concern about the effect that the American countervailing duties against Canadian pork entering the United States market is going to have on Canada and Ontario, especially hog producers. I really believe that the International Trade Commission has erred in its judgement against the Canadian product. Again, I think it is going to put our people in jeopardy.

In particular, I am concerned about the perception the Americans have that the Canadian tripartite meat stabilization plan is seen as a subsidy to our processors. I think this is wrong and that the Americans are somehow seeing that assistance given to our producers is a subsidy to our processors and we think there is a very distinct division between those two groups. So this is not acceptable and I share the concern of the honourable member.

**Mr Tatham:** In light of the potential adverse effects that may result in the Ontario pork industry, can the Minister of Agriculture and Food tell us what steps the Ontario government has taken to fight for the interests of Ontario's pork industry?

**Hon Mr Ramsay:** In travelling around the province and talking to our processors and producers, it seems apparent to me that our participants in this industry are asking for some leadership from Ontario. Last week, I decided that Ontario will be a participant in the committee that is looking after the chapter 19 panel ruling on this, as well as the Canadian and the Ontario hog producers, and Alberta. I think it is very important that Ontario have a voice at these proceedings. I think it is very important that we do everything we can in this country to explain to the Americans the Canadian system of agriculture.

## CORRECTIONAL OFFICERS

**Mr Kormos:** A question to the Deputy Premier: With respect to the Niagara Detention



Centre, the government and the minister persistently deny that there is overcrowding and understaffing. The six minimum security dorms there were designed to hold 12 prisoners each. Cots are jammed into each dorm so that often over 20 prisoners are in each dorm. Sometimes there are as many as 25 or 26 prisoners literally sleeping on the floor.

When I toured the Niagara Detention Centre on Saturday, I saw maximum security cells designed for one prisoner and these cells had second cots bolted into them. Even then, I saw third occupants being forced to sleep on the floors of those cells. This is the norm once again, not the exception. Correctional officers are being put at risk. Last Saturday, one lone officer had to supervise the 101 prisoners in six separate dorms. Why will the government not act quickly to properly staff the Niagara Detention Centre and others like it?

**Hon R. F. Nixon:** I think it would be appropriate if I brought that to the attention of the Minister of Correctional Services (Mr Patten). He will be able to respond to the honourable member in a more knowledgeable way than I could.

**Mr Kormos:** Of course we speak of the Niagara Detention Centre because it has had the focus of most of Ontario on it after three prisoners broke out last Thursday. I am advised that the last of those three escapees is now back in custody. The government had been warned time and time again of the dangers inherent in the overcrowding and understaffing of jails and detention centres such as Niagara. Because of that understaffing, a breakout was inevitable. Correctional officers are daily putting their lives and safety at risk.

**The Speaker:** And the supplementary?

**Mr Kormos:** The minister denied last week that Niagara was overcapacity. That is news to the correctional officers down there. There were 162 adult inmates in Niagara last Thursday—

**The Speaker:** The supplementary?

**Mr Kormos:** —and the minister's own report for 1988 tells that capacity to be 146. How does the Deputy Premier explain that?

**Hon R. F. Nixon:** I will bring the member's concern to the attention of the minister.

1510

#### ONTARIO PUBLIC SERVICE

**Mr McCague:** I have a question for the Chairman of Management Board. Is he here? Is he up and around? He should be.

**The Speaker:** If he is not present, do you have a question for any other minister?

**Mr McCague:** I will call on the Deputy Premier.

There are many people in my riding who are concerned about the more than 15 per cent growth in the number of civil servants. Is the Deputy Premier concerned?

**Hon R. F. Nixon:** I think the honourable member is aware that over the last four years the ambit of the provincial government service has extended quite remarkably and in order to properly serve the people there have been some additions to the public service.

If the honourable member wants me to, I can probably give him some ratios that show that for the size of the budget, which has grown by a relatively small amount also, and that also for the population of the province, which has grown substantially since the word got out that we have a progressive government here, that in fact the growth of the public service is not inordinate, but that compared to the population growth it is reasonable and for the new programs that the honourable member has, on occasion, urged on us—at least some of his colleagues have; he is a little more conservative and thoughtful in this matter—that in fact we are giving good service and quality service to the taxpayers of the province.

**Mr McCague:** The Deputy Minister has done nothing to alleviate the concerns of my constituents, nor mine, nor those of anybody else on this side of the House I am sure.

Given the Deputy Minister's penchant for dumping his programs, which were programs of this government in years past, on to the municipalities, how can he say that the government has taken on a plethora of programs that justify the need for 15 per cent more civil servants?

**Hon R. F. Nixon:** I see the time-limit clock is blinking at me. Otherwise, I would give the honourable member a very full answer.

#### GENERAL MOTORS VAN PLANT

**Mr R. F. Johnston:** On a point of order, Mr Speaker: I would request unanimous consent of the House that a motion be accepted that the regular business of the day be set aside so that the House might debate the pending closing of the General Motors van plant in Scarborough.

**The Speaker:** There is a request for unanimous consent.



**Hon Mr Ward:** If the member could clarify if he is seeking consent under standing order 41 to waive the provisions for notice for a debate that the opposition is entitled to, we would be more than willing to change tomorrow's subject matter from that put forward by the member for Windsor-Riverside (Mr D. S. Cooke) to that put forward by the member for Scarborough West.

**Mr D. S. Cooke:** The government House leader knows very well that when these new rules were being debated we contemplated the possibility that there would be emergencies about which all members of the Legislature would like to participate in debate. This is such an emergency and we seek unanimous consent. If the House leader does not care about the 2,500 layoffs in Scarborough, then stand up and say it but do not play the kinds of games he is trying to play.

Interjections.

**The Speaker:** Order.

There was a request made by a member for unanimous consent. The unanimous consent has not been given. Therefore, I will call the next order of business.

**Hon Mr Ward:** I move government notice of motion 21 on behalf of Mr Peterson.

**The Speaker:** Order. I do not believe we are quite to that stage yet.

## PETITIONS

### NATUROPATHY

**Ms Bryden:** I have a petition addressed to the Lieutenant Governor and the Legislative Assembly of Ontario which came in before the new rules went into effect, but I believe it is in the spirit of petitions which will be allowed under the new rules. It has 190 names on it and deals with the subject of naturopathy. It simply asks that legislation be introduced that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment. I support this petition and have signed it.

### FRENCH-LANGUAGE SERVICES

**Mr Eakins:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It bears some 23 signatures and refers to the French Language Services Act.

### NATUROPATHY

**Mr Velshi:** I have a petition here addressed to the Honourable the Lieutenant Governor and the

Legislative Assembly of Ontario, requesting the government to guarantee naturopaths the right to practise their art and science. It is signed by 26 people and I have attached my signature to it.

**Ms Bryden:** My second petition has 23 names. It is also on the subject of naturopathy and has the same request, that legislation be introduced to guarantee the right to practise their art and science by naturopaths. I support this petition and have signed it.

**Mr Sterling:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee natural healers the right to practise their art and science to the fullest without prejudice or harassment. And to guarantee the manufacturers and sales people of organic vitamins, herbal and botanical remedies in their regular place of production and sales without prejudice or harassment."

That is signed by about 250 people from across the province of Ontario and I have signed my name thereto.

**Mr Kanter:** I too have a petition on the subject of naturopathy, addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It has approximately 60 names, and the petition is asking the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment.

**Mr Ballinger:** I have a petition as well with 58 signatures. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"To introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

**Mrs E. J. Smith:** I have two petitions on behalf of 17 citizens from Mississauga North and seven citizens from Wilson Heights. Both petitions present the position of naturopaths in wishing permission to practise their profession. I have signed them on behalf of the petitioners.

**Mr R. F. Johnston:** I too have had a series of petitions forwarded to me through the Lieutenant Governor's office concerning naturopathy. I will affix my signature and table them.

**Miss Nicholas:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It is petitioning to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment, and I have signed it.

**1520**

#### TEACHERS' SUPERANNUATION

**Mrs E. J. Smith:** I have two petitions on a new and original subject. Each of these two are addressed to the subject of the Teachers' Superannuation Act and the management of the pension fund therein. One petition with roughly 15 signatures is from the Kitchener-Wilmot area; a second petition from Renfrew North bears two signatures. I wish to present these and have signed them on behalf of the petitioners.

#### FRENCH-LANGUAGE SERVICES

**Mrs E. J. Smith:** I have one petition I would like to present on behalf of the citizens of Quinte. They wish to present a petition on the subject of the French Language Services Act.

"Therefore, to preserve patience and goodwill, in the name of justice and for the love of harmony, we implore this House to refrain from further implementation of the French Language Services Act."

I have signed this on behalf of the petitioners although it does not reflect my point of view.

#### INTRODUCTION OF BILLS

##### EAST YORK-SCARBOROUGH READING ASSOCIATION INC ACT, 1989

Mr Polsinelli moves first reading of Bill Pr48, An Act to revive East York-Scarborough Reading Association Inc.

Motion agreed to.

##### ASTCAM CO LIMITED ACT, 1989

Mr Sterling moved first reading of Bill Pr51, An Act to revive Astcam Co Limited.

Motion agreed to.

#### ORDERS OF THE DAY

##### APPOINTMENT OF OMBUDSMAN

Mr Ward moved, on behalf of Mr Peterson, that an humble address be presented to the Lieutenant Governor in Council as follows:

To the Lieutenant Governor in Council:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the Province of Ontario, now assembled, request the appointment of Roberta Louise Jamieson as Ombudsman for the Province of Ontario, as provided in section 3 of the Ombudsman Act, R S O 1980, chapter 325, to hold office under the terms and conditions of the said act;

And that the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

**Mr Cousens:** Is the government not going to make any introductory remarks at all of any kind?

**Mr Kerrio:** The Premier (Mr Peterson) did.

**Mr Cousens:** I heard what the Premier had to say.

**The Speaker:** I looked around. Does the government House leader wish to make any opening comments?

**Hon Mr Ward:** No. I believe all three parties had an opportunity to make statements earlier in the day.

**The Speaker:** The member for Markham on this resolution.

**Mr Cousens:** We have a great tradition of the Ombudsman in Ontario that dates back to the late Arthur Maloney. It was through his services that the people who had been ill served by the province had an opportunity then to take those concerns to a body of concerned people under the Office of the Ombudsman in order that their concerns or grievances could be heard. That is a very important function that has developed out of the Swedish tradition and now you will find it in many parts of the world.

Ontario has been a leader for many years now by having an Ombudsman. The Office of the Ombudsman is made all the better by the quality of the person who sits in that chair and is therefore able to listen and respond to the needs of the people who come to that particular person—I was going to say "him"—and the fact is that the appointment now is again, hopefully, on that great tradition where the people of Ontario will have someone they can turn to.

In my earlier remarks in the House this afternoon, I was especially pleased to comment on the Roberta Jamieson's own personal background. Although I had not met her before, in talking with the member for Carleton (Mr Sterling), who has met her and knows her personally—when he was in cabinet and responsible for native affairs, he had a chance to get to know her and he respects her greatly for her



ability—her curriculum vitae also point to someone who is highly qualified to assume this office. I think that again is fitting, that we have a person who comes out of a native Canadian background, whose education in the law will be very helpful in trying to interpret some of those difficult decisions that have to be made.

Sitting on the standing committee on the Ombudsman, I have a great opportunity to see how the system works and so many cases never have to reach the standing committee on the Ombudsman because the Ombudsman himself or herself has been able through his staff to work with the person and satisfy his concerns. It means that the various ministries of the government for whom someone has had a grievance have had that chance to clarify their concerns, get them resolved and then get on to the next stage.

Those that are not easily resolved end up going to the standing committee on the Ombudsman and we wrestle with them. It is one of those committees on which I have not seen the evidence of partisan politics. I think there is a conscientious objective on the part of all members in that committee to do the right thing for the people of Ontario. That is the kind of objectivity that we have to continue to maintain, so that there is not room for this partisan playing of games that sometimes becomes part of the process.

I have to make comment, and I see the Attorney General (Mr Scott) is here in the House, I just wish there was a better way in which the appointment process could be made, rather than through a statement that appears in a local paper. Again, that statement does not begin to describe the person who has that office. The headline in the *Globe and Mail* on 14 October says, "Native Woman to be Named Ombudsman," and it goes along and makes a few comments. Had they received the proper introduction, had they been given that insight that is available through the comments of the Premier today, had they had a chance to read the curriculum vitae, they would begin to have a far more embellished story and give the people of Ontario a chance to really know who their Ombudsman is.

She is the people's person when they have difficulty that is outside the realm of politics, our riding offices and out of the ministries, and they go to her as a court of last resort. It does not cost them anything and if she is able to help them, she does.

All I wish is that, out of this, we can separate the two things; one, her appointment, which I see as a good appointment, and had the Attorney

General come and discussed it with me and I had seen who was being presented and her background, how could you help? That was done with our leader and obviously he felt much the way I am now saying it. He had not discussed it with me, so again, the communication goes on. I just really wish that we in this House could deal with the process of dealing with each other on matters that affect the public will, that affect the legislative process, so that we are not surprised by just picking it up in the newspaper or having someone whisper it around and saying, "This is how it is being done."

That is not the way to gain trust and goodwill, when we are here, whose job it is to make sure we are working together. It seems to undermine, it does undermine, that sense of sharing and participation in the process. There are so many appointments that are made by the Premier and the Lieutenant Governor in Council and when you know many of those have a partisan flavour to them, which means they are Liberals, ex-Liberals, members of riding associations and are now being rewarded because of their efforts in coming to serve the province of Ontario—there was one who is now before the Houlden commission as a special inquiry; there is a special inquiry into the way the Premier has made his appointments. I am trying to think of who that is. It had to do with someone who was appointed chairman of Ontario Place and when she was appointed to Ontario Place, and then—it was Patti Starr, was it not? That was an appointment that was made. I wonder what kind of fanfare there was around her appointment when it was made.

That, to me, is why, when you are making any kind of appointment, and you have a government whose history in appointment-making stinks, then you would think that when it has a chance to do something right, such as the appointment of the Ombudsman—

**Mr Kerrio:** And you're talking about Mulrooney. You're talking about your kissing cousins in Ottawa.

**The Deputy Speaker:** Order, please.

**Mr Cousens:** Then you would be inclined to believe they would try to keep it on an upper level, on a higher level, and they did not do it. All I am saying, and we have to separate the two, the appointment I am happy with and I will support the Ombudsman. I look forward to being on committee and listening to her guidance and hopefully we can help make up for some of the mistakes that have happened in the last while, because we have not had an appointment since 20



September and there is a backlog of things to be done. There is a learning curve to go through.

Why then, if he has a chance to comment on it, may I ask the honourable Attorney General to give some comment on how these appointments can be made so that they do not just come out of the blue, out of the newspaper, without the kind of partisan affiliation as part of it? Because when that happens, it removes something of the beauty of a very special occasion.

**1530**

When someone such as Ms Jamieson is brought to the House, I think we want to give her wholehearted support. I do that, so in my comments I want very much to make it known to the Attorney General, to the Premier, to the Speaker and to the people of Ontario, that we will do everything we can to support the Ombudsman's office.

Our government at one time, when the Conservatives were in power, helped to set that up with the support of all parties in this House, so now today the tradition lives on. May we find some new traditions, and that is how we go about having the members of this Legislature involved in that process. That is what I am asking for, that is what is missing.

What we are dealing with is not the David Peterson government that he talked about in 1985 where he said, "I'm going to have an open government." It is not open. He opens the door, throws something out and then closes it again. We do not really know what is going on, how it is going on, when it is going to happen, and I say if the government is going to be as open as it said it was going to be, why is that process not cleaned up so that we are all part of it?

In the meantime, we are very fortunate in Ontario to have Roberta Louise Jamieson appointed today. Our caucus is supportive of her. I know she will do something great for everybody. I think with her own personal background as a member of the Six Nations reserve, as someone with a legal background, as a woman, as someone as young as she is, she brings qualities and characteristics and personal charisma to an office that has to be seen as one of the very most important to the people of Ontario.

I trust that it will continue in the nonpartisan nature it has been, that she will be blessed by good health and good support from all members of our Legislature and that she will find this one of the most rewarding appointments she has had in her lifetime.

**Mr Philip:** I offer my best wishes, as I have had an opportunity to do earlier with my

colleague the member for Markham (Mr Couzens) in the gallery, to Ms Jamieson. I have read her resumé. Some of the members of my caucus, including the member for Scarborough West (Mr R. F. Johnston), have met with her and been most impressed by her. We will be working closely with her as members of the standing committee on the Ombudsman and offer her our wholehearted support in her very important new post.

I think that when it comes to positions, this has to be seen as one of the most, if not the most, important position in Ontario. It is a tradition which stems from Sweden, where many years ago the Parliament of Sweden decided that in order to protect the civil liberties of individuals, a nonpartisan, impartial court of the people, if you like, should be established. It allows any citizen who has a grievance against the government, with certain restrictions, having undergone all other processes open to them, to have an independent investigation and adjudication.

It was with considerable seriousness that members of this House established the Ombudsman some time ago. Since then we have had a number of ombudsmen, a number of outstanding people, and one of the interesting characteristics of our legislation is that in establishing it, having looked at other jurisdictions, it was decided that an all-party committee should be established to emphasize the nonpartisan role of the Ombudsman and of the Legislature's relationship with that office.

That was a well-thought-out, well-considered decision on the part of my colleagues and I at the time that we voted for that. My colleague Pat Lawlor did an outstanding job in his research and in his deliberations on that particular matter, and I think we all owe him a great deal of credit.

On numerous occasions the Ombudsman's committee, which is the voice of parliament to the Ombudsman and indeed the body that deals with the policy of the Ombudsman—we are not there to second-guess the Ombudsman on individual decisions but to deal with the patterns, the thrust and the direction in which the Ombudsman's office is operating—this nonpartisan committee has asked that we have a say in the selection of the Ombudsman.

If we look at other jurisdictions, including jurisdictions in Canada, we see that in parliaments that are even more highly partisan than our own, such as the British Columbia Legislature, you have a consultative process with parliament in the appointment. Indeed, if you look at how the Ombudsman is appointed in British Colum-

bias, you see that it has to be by consensus and not by majority vote.

There is an opportunity for parliamentarians to interview a series of qualified people, having been selected by the government, having created a short list of 10 or 12 able people, and to arrive at a consensus, having questioned those people in an open forum publicly. It seems to me that when you are dealing with as important and as sensitive a role as the office of the Ombudsman, the defender of civil liberties of the individual against the state, then I think that kind of open process would serve us well.

That is why the Ombudsman's committee, on numerous occasions in our reports, has expressed our concern about the need to be consulted in all matters stemming from the Attorney General's office vis-à-vis the operation of the Ombudsman and indeed the choice of the Ombudsman.

Mr Speaker, you will be aware that a letter was sent—I believe on two occasions, not just on one occasion; but at least on one occasion that I recall—by the chair of the Ombudsman's committee to the Speaker and the Premier, saying that we wished to be consulted in the appointment of the Ombudsman. Unfortunately, that has not taken place.

Consultation is more than the government, be it the Premier or the Attorney General, going to the leaders of the official opposition and of the Conservative Party and saying: "I have an excellent appointment. Do you have any objections or do you support this appointment?" There is more to parliament than just the leaders of the three parties, or indeed than just the cabinet and the leaders of the three parties.

I was fortunate that the leader of my party came to me and said, "I understand that the Attorney General is proposing Roberta Louise Jamieson." Of course, in looking over her resumé and in looking at her qualifications, one has to admit that she is a person who is quite well qualified and indeed will probably be an excellent Ombudsman.

At the same time, I think it would have been so much cleaner, so much more democratic, so much more open, and indeed she might well have been the one who would have been chosen by the all-party committee if we had been consulted. No one questions that this a highly talented and qualified person, but I think that the process was wrong.

#### 1540

If the government wants to have a nonpartisan committee, if it wants to have this marriage between the office of the Ombudsman and

parliament, then it seems to me the government has to follow the processes which have been set out in other parliaments and that seem to work so well, and that from the very start makes members of the Legislature feel this is our Ombudsman, this is the people's Ombudsman and this is the person that we have chosen, having gone over at least a series of excellent potential candidates.

I wish the Ombudsman well and I must say that I hope that she will continue in the excellent traditions of Dr Hill and Mrs Meslin. What we have seen with Dr Hill I think was an important step forward in the role of the Ombudsman in this province. Dr Hill saw his role as not just adjudicating the individual merits of a case by a complainant against a government ministry or agency. Dr Hill saw his role, as did Mrs Meslin, as examining the systemic problems within the government and pointing them out so that these problems could be corrected.

It is a little bit analogous to the person who is—it is important to stick your finger in the dike if you are going to have a flood, but it is also important to examine whether the dike is structurally sound or whether some changes are made, so that you are not always sticking your finger in the dike or putting out the brush fires or dealing with a whole series of individual problems.

That was one of the great contributions that Dr Hill had made and that his successor, Eleanor Meslin, had carried on. That is why I think members of the committee, without exception, were very pleased at the job that Mrs Meslin was doing in Dr Hill's footsteps.

We have seen an important matter, which I think is a very serious matter, caused by this government, a serious matter that is so important that Eleanor Meslin, the temporary Ombudsman, dealt with it in her opening remarks in her latest report, as well as in her various reports to the standing committee on the Ombudsman, and that is that this Attorney General has made a decision which no previous Attorney General had ever contemplated. No other province, no other Attorney General had contemplated it, even in the worst situation where the Ombudsman in British Columbia and the BC Attorney General and the Premier were at great odds with each other, both with the present incumbent Ombudsman and the previous Ombudsman.

No one ever contemplated that the Attorney General would challenge the Ombudsman's authority to investigate actions and decisions of public servants acting pursuant to orders in council. It has been accepted when the Ombuds-



man was first started that that would be his responsibility. Ombudsmen over the years have exercised that responsibility, and now we have the unfortunate situation where 50 per cent of the Ombudsman's current complaints cannot be investigated if this Attorney General remains steadfast in his resolution.

What it means is that someone who has gone through all of the processes of the appeal under the Workers' Compensation Act and the Workers' Compensation Appeals Tribunal and still feels that he has a legitimate case cannot get that adjudicated. We have a situation then where Dr Hill and Mrs Meslin felt so compelled by this attack on the authority of the office of the Ombudsman that they resorted, much to their regret, to an action in the Supreme Court of Ontario. We understand that the court proceedings will be handled some time before Christmas.

This act gives the Ombudsman an independence. It also gives tenure for a certain period of time, under which time the Ombudsman cannot be removed except under extreme circumstances. I am not going to get into the elaborate technicalities of how that might be done if an Ombudsman were found to be grossly incompetent or doing something illegal or something like that. We have never had an Ombudsman who lacked the confidence of parliament in such a way as to ever contemplate such an action. But the fact is that there is a certain independence built in and the tenure allows that independence.

I would hope that the new Ombudsman, whom we are congratulating and saluting today, will accept that in taking over the mantle of Dr Hill and Mrs Meslin, she must also take over the responsibility of continuing the pursuit of protecting the rights that historically have been held by the Ombudsman in this province and that she will pursue this court case with vigour.

I say to the Attorney General that the best gift he could give to the incoming Ombudsman would be to change his mind, to make this court case unnecessary. To accept that Mr McMurtry, who served as well as Attorney General, in dealing with matters like this—and I can say this as someone who is not a member of that party—that the kinds of decisions that Mr McMurtry made in that office were sound decisions and that the authority given to the Ombudsman was well founded.

The other thing that the Attorney General can do is to accept that members of the standing committee on the Ombudsman, and the last two ombudsmen at least, have asked for certain specific changes to the act, changes which are

necessary in order to see that justice is done in this province: allowing the Ombudsman to comment publicly when the Ombudsman believes that it is in the public interest, mandating the Ombudsman to conduct public education programs and, one that we have dealt with so often, permitting the government agencies to pay money to complainants, *ex gratia* payments, where no other legal authority is available but where an injustice has been found to have been committed.

The Ombudsman Act has not been amended since 1975. Ombudsmen have asked time and again, and indeed the chairman of the standing committee on the Ombudsman has had, I am told, private conversations with the Attorney General saying, "When are the amendments coming in?" and all to no avail. So if this Attorney General and if this government want to celebrate the appointment of a new Ombudsman, they can best do it by introducing a new act, which is long overdue.

Let me say this also: if this government wants to respect the office of the Ombudsman, it can also operate in a nonpartisan manner towards the way in which that committee operates. We have had some three years of study over and over again in which the Ombudsman, Dr Hill, and the temporary Ombudsman, Eleanor Meslin, asked for expanded jurisdiction in three areas. It was fairly obvious in consulting with members of the committee, including government members, that there was some sympathy, some empathy I should say rather than sympathy, with the Ombudsman's recommendation in two of those three requests.

When it came time to voting on that, the government members asked for an adjournment for one day in order that they could contemplate. It was fairly clear by their questions and comments that some of them at least had some support, and being democratic and being nonpartisan, of course, members of the opposition felt: "That is fine. The Liberals are obviously split on this issue. They want to discuss it among themselves. They want to perhaps discuss it with the Ombudsman. They want to think about it and in fairness to them, we should allow such a discussion—such a recess, if you want—of the decision."

What we found was that the next day the committee met, it was fairly obvious that the Liberal members of the committee had been given marching orders. The government whip marched in. One Liberal member asked if there was a way of abstaining and out of respect for



him we found a way of doing it, because we did not want to have him personally embarrassed in a matter that was a matter to him of conscience, I think, and he is a person whom I have a great deal of respect for. He is a colleague of mine to the south of my riding and he represents his people with some integrity, but to see the difficulty with which members of the Liberal caucus on that committee had to face the fact that they had received marching orders was, to me, a rather painful experience.

**1550**

I say to members that if they want the Ombudsman's office to operate in a way that is nonpartisan, the government has to leave the members of the committee alone. That has been done in the past. Even at the worst of the 42 years of Tory government, I do not recall one occasion when the Tory members tried to manipulate the standing committee on the Ombudsman in order to save the hide of some deputy minister. Already in this Liberal government's short term in office we see that kind of thing happening.

We welcome the appointment of the new Ombudsman. We ask that this government reconsider the recommendations made by its own members as well as by members of the Conservative and New Democratic parties, by members of the standing committee on the Ombudsman, that it adopt some of the procedures that have been adopted in other provinces and that seem to work so well.

We say to Eleanor Meslin, we hope she will stay on in the service of the office of the new Ombudsman, and we say to Roberta Louise Jamieson, good luck in her new post. We will be co-operating with her. We congratulate her on this important appointment, and we wish her well in her protection of the human rights of the citizens of Ontario against some of the excesses which might occur from time to time at the hands of the government and its agencies.

**Hon Mr Scott:** I would like to thank the honourable member for Markham for the remarks he has made and to assure him that they will be conveyed to Ms Jamieson, who regrettably is not present here today.

I also want to assure him, as best I can, that the appearance of the notice of this appointment which was in the *Globe and Mail* on Saturday was completely inadvertent. I have received assurance from both the Premier's office and my own office that no press release was issued and that indeed an effort had been made to preserve the traditional rule that appointments of this type should be made first in the House. We are as

embarrassed as my friend is at the way this has occurred, and I hope he will accept my assurance that it was not intended; in fact, it was one of those accidents that happen.

As the honourable members know, it is usual to consult the leaders and the members of the House before an appointment is brought into the House by resolution. That has been done in the case of the Ombudsman, historically, in the case of the Information and Privacy Commissioner, in the case of the Clerk, by consulting the House leader or the leader of each of the parties and asking them to obtain the views of their caucus. That technique is utilized because it is not sufficient to get the view of one committee with simply the members of that committee. It is necessary to get the sense of the whole House whose appointment this is.

Regrettably this afternoon when the announcement was made and was responded to by my friend the member for Etobicoke-Rexdale (Mr Philip), the record confirms the impression made that an objection was taken to the appointment of Ms Jamieson because there had not been proper consultation prior to her appointment.

This was a very considerable embarrassment to me because it was not true. The traditional method of consultation had been used. I had written and spoken to the leader of the New Democratic Party, as I had to the leader of the Conservative Party, not only about other possible contenders for the nomination but about this particular contender.

I had been asked by the leader of the New Democratic Party for some detail with respect to the appointment, which I went away to obtain, and I was ultimately advised by him, by letter, that he had the support of both himself as leader and the caucus of his party. The honourable member for Etobicoke-Rexdale confirms today that this support was given.

This has been one of the most unfortunate days I have had here, because it should have been one of the happiest. A distinguished Canadian woman, a member of the Mohawk band and a long-time servant not only of her own people but of all the people of Ontario, was here on what must have been one of the happiest and most important days of her life, because she was about to assume one of the great offices of state, probably the highest office that a member of an Indian band has ever received in Ontario. She brought with her her aged mother, her husband and her young daughter.

The sense was created that one of the parties had not been properly consulted. I have assured

Ms Jamieson that this is not correct, that the leader of the New Democratic Party and his caucus were fully consulted and fully support the appointment that was made. The Leader of the Opposition (Mr B. Rae) said to me in the letter that he believed her appointment was just the ticket. I have assured her of that in order that there will be no sense of discomfort.

Frankly, I think this afternoon was as tasteless an experience as I have had in some time. I do not blame anybody. I simply think it was a misfortune that this woman, who is about to assume an important office, had to be exposed to this kind of behaviour, especially in the absence of the leader of the New Democratic Party, who had made very plain his support for this appointment.

**The Deputy Speaker:** Do other members wish to participate?

**Mr Philip:** Am I allowed to speak? I do not think I am.

**The Deputy Speaker:** No, not a second time. Sorry. The member for Cambridge.

**Mr Farnan:** I find the comments of the Attorney General in this regard extraordinarily objectionable. I listened to the debate this afternoon surrounding the appointment, and the most vocal individual during the time when my colleague the member for Etobicoke-Rexdale was making his remarks was the Attorney General, who consistently was shouting interjections and not allowing the honourable member to put forward his views.

What kind of example is that from the Attorney General of Ontario when we are making what is a significant appointment and when a representative of the official opposition, speaking on behalf of the official opposition, is presenting his remarks—remarks, I would add, that were totally misinterpreted and have been just presently misrepresented by the Attorney General?

The most important contribution the Attorney General could have made to this debate would have been the courtesy to listen to the remarks of the opposition and not simply to lead a shouting gallery, which was actually what took place. Anyone who wishes to check the record of Hansard will see that the Attorney General, not only when my colleague was speaking but also when the third party representative was speaking—

Interjections.

**Mr Farnan:** I believe my colleague the member for Etobicoke-Rexdale represented very admirably the concerns we have vis-à-vis the

process, not the person. Our party, the official opposition, did not object to the appointment, but we actually did object in a most profound way to the process.

This government—there is no question about it—is very secretive. But it is also superior in its actions. It feels that consultation is not part of the process. It is aloof. Indeed, it believes there is no need for opposition, there is no need for the House, there is no need for hearings. We can go through time and again, whether it is Sunday shopping or the lottery bill, Bill 119, where we can have consultation, the entire province speaks in opposition to a piece of legislation and the government just ignores it.

It is not surprising to me that the government has abused the process. Abuse of the process is now the norm and not the exception. That is a tragedy for the province.

**1600**

**Mr Pollock:** I join the member for Markham, the member for Etobicoke-Rexdale, the Attorney General and the member for Cambridge (Mr Farnan) in congratulating Roberta Jamieson on being the new Ombudsman for Ontario and wish her all the best. I was not here when the announcement was made. Apparently, it was nothing to be proud of, by all reports. I am not going to get into that debate. As I say, I would like to wish her all the best.

I understand she is a Mohawk from the Six Nations Reserve. I have never worked with that group, but I did represent the Mohawks from the Bay of Quinte for over six years, and I had the best of working relationships with that reserve. Actually the proper name for the reserve is the Tyendinaga Indian Reserve. I am sure Roberta Jamieson will represent not only the Mohawks but all people in Ontario.

I have served on the subcommittee and on the committee of the Ombudsman, and I know the contribution that Eleanor Meslin has made to the Office of the Ombudsman and I am sure she will be a tower of strength and support for the new Ombudsman. I would like to thank Eleanor for her contribution over the last six months and Dr Hill for his contribution over the last five years.

I had an invitation to speak at a gathering of a men's club, and I chose to talk just on the Office of the Ombudsman. In some of the research that I came up with, I found out that since the Office of the Ombudsman was created, 100,000 complaints have come into that office. I am sure they endeavoured to handle them the best way they knew how.



I just want to close by saying once again that I congratulate Roberta Jamieson on her new position.

**Mr Kerrio:** This is the sort of day that I am not too proud of as a legislator. We had elevated ourselves to place a person of Roberta's stature in a very important job. I am pleased to say I had a personal involvement with Roberta when she sat on the Indian Commission of Ontario; I watched her chair tripartite meetings in a way that was responsible and had feeling, and she was dealing with issues that were very difficult to deal with. But the single point I would like to make today is that it does not bother me when we differ on process, but there is a place to discuss and debate process. It is not on the day when the lady is here with her family to be given this high honour.

**Mr Cousens:** Then clean up your act.

Interjections.

**Mr Kerrio:** The members can shout all they want, but they will not shout me down.

**The Deputy Speaker:** Order.

**Mr Kerrio:** I listened when they spoke. Now they should listen when I speak and close their big mouths.

**The Deputy Speaker:** Order, please.

**Mr Kerrio:** The fact of the matter is that I want to put this on the record. I really feel there is a time to debate this issue, and it was not today. The timing was wrong, and the place was wrong. I would be the first person in this Legislature to apologize to Roberta Jamieson for what happened here today and tell her that I for one feel she is an excellent person for the job. We as legislators can debate the way we use the process in the future in the proper place and at the proper time. It was very disgusting today to see the exposure that this person was put to by the opposition parties. I am very disappointed.

**Mr Laughren:** I was not intending to get into this debate this afternoon, but I must say I have been provoked by the Attorney General in particular. What happened today is not on our head; it is on the government's head, quite frankly. I do not blame the member for being angry and upset about what transpired this afternoon. I think he should be upset by what happened this afternoon.

He must keep in mind that the Ombudsman's committee did recommend a different way of having this whole thing happen: by hearings and by a much more open process. As I recall—my colleague the member for Etobicoke-Rexdale will correct me if I am wrong; he certainly has never hesitated to do so in the past—the Liberal

members on that committee supported that kind of process. I understand why some members of the Liberal caucus are upset by the process; they do not like it either, nor should they like it.

If we are going to have a process for the appointment of the Ombudsman, surely to goodness it should be nonpartisan. I regret very much that the government, by the way it handled it, turned this into a very partisan process this afternoon. I regret that. It would not have happened if the process had happened the way the Ombudsman's committee recommended it. But, as it has turned out, it did.

I have an enormous amount of respect for Roberta Jamieson. Members will notice that it perhaps needs to be said again that all parties heartily endorsed Roberta Jamieson's selection as the Ombudsman for Ontario; that is not an issue. If that is not an issue—the question of who that person should be—what is at issue? It is the process. I do not think we have embarrassed the new Ombudsman by the mishandling of the process. That is not her fault. She had absolutely nothing to do with that process. The government did. With its massive majority, it still managed to screw it up when it comes to making a nonpartisan appointment.

**Hon Mr Ward:** Your leader didn't talk to you, Floyd. You had no idea.

**Mr Laughren:** I know that my leader was spoken to by the government leader, presumably, or by the Attorney General, but the point is—

**Mr Dietsch:** If your leader doesn't tell you what is going on—

**Mr Laughren:** Yes, he did.

**Mr Callahan:** He was too busy on the road.

**Mr Dietsch:** He was deciding whether he wanted to be the federal member.

**The Deputy Speaker:** Order, please.

**Mr Phillip:** You don't understand, do you? Are you so dense that you can't understand the point he is making?

**Mr Laughren:** The point is, it is not appropriate—surely to goodness it is not appropriate—

**Mr Kerrio:** We are only talking about the time.

**The Deputy Speaker:** Order, please. One member at a time, and each member who speaks, when it is his turn, will address his remarks to the Speaker.

**Mr Laughren:** It is my time. Surely to goodness, members can understand that if we are all in agreement that the selection of the



Ombudsman is a nonpartisan process, then the government can walk up to the leaders of the two opposition parties and say, "Here's our selection." That is not what I would call a nonpartisan appointment. That is not the way you do it. That is the way you did it, but it is not the way you are supposed to do it.

**The Deputy Speaker:** Please address all remarks to the Speaker.

**Mr Laughren:** I am.

**The Deputy Speaker:** No, you are addressing your remarks directly to the other members.

**Mr Laughren:** No, I am addressing them to you, Mr Speaker. I just happen to be looking over there, but I am speaking to the Speaker.

I really do hope that a lesson has been learned today, that if we are going to engage in a process that the government really wants to make nonpartisan, then the process has to be nonpartisan as does the appointment. That is the point that needs to be made. I believe the government handled that very badly and was surprised, offended and frustrated when the opposition reacted to that.

The opposition has no problem with the appointment. I do not know how often we have to keep telling the government that. Therefore, we are only talking about the process and the process is unacceptable. That is all we have tried to say to the government this afternoon. They should stop being so precious about the process and understand that there are some things in a huge majority government that the opposition has some rights to do. One of them is to engage in a meaningful discussion on the appointment of the Ombudsman.

1610

**Mr Callahan:** I had the privilege to serve on the Ombudsman's committee after I was first elected in 1985, and I have to say it is a committee that is of very great importance to me and should be to each and every member of this House. Very often it becomes the court of last resort to citizens of this province. As a result of that, it was always my understanding, certainly during the days I served on it, that it was a nonpartisan committee. I have to say today that I was slightly embarrassed by the comments that were made by the official opposition and the third party, particularly when we had school children sitting in the gallery and we were honouring a new appointee to that position.

I had to think to myself and wonder what those school children thought was going on down on the floor of this chamber. I think that reducing it

to the level of partisanship, which is obviously what took place when the honourable member for Etobicoke-Rexdale stood up and spoke, and perhaps in a less caustic vein the member for Markham, reduced a very sacrosanct position, a very sacrosanct committee, a court of last resort, to an area of being almost buffoonery.

I can say that if I were sitting in the Speaker's gallery and being appointed to this particularly sensitive and important office and listened to the elected representatives from the opposition and the third party address their concerns in the way they did, I might very well have left the Speaker's gallery and decided not to take the job, because quite frankly I would wonder what I was serving and what effect I was going to have when people take on that type of attitude.

I remind members of the opposition and of the third party, and perhaps even all members of the House, that the Ombudsman committee is one that is particularly sensitive and particularly significant in this House. When we appoint someone who is to take over that position and to look after the court of last resort for the citizens of this province, we should certainly greet her appointment with something less than the partisan barbs I have heard this afternoon.

**Ms Bryden:** I am very disappointed that the previous speaker has brought partisan politics into this, because the Ombudsman is above politics and that is why he or she is appointed by the Legislature. What we have been objecting to is the lack of process, whereby the Legislature is fully involved in the selection. They have to be notified of the choice in the House. They have to then consider it and vote on it. That is how you keep the Ombudsman separated from partisan politics.

I think the process that was gone through today and yesterday when the Premier leaked this to the press in some way and then, when we came in today, had nothing on the order paper about this job we have of making this appointment was an insult to this House. That is where the partisanship is coming in, from that side of the House.

**The Deputy Speaker:** Does the minister want to wind up?

**Hon Mr Ward:** Just very briefly. There has been much said about the process that is utilized in the appointment of the Ombudsman. I think it has been clearly put time and time again that the Ombudsman is indeed a servant of this House, a servant of all of the members of this House. To that end, I believe that in putting forward the name of Roberta Jamieson, as well as the efforts that were undertaken to communicate that

nomination to both opposition caucuses, I frankly do not know what more could have been done in terms of process.

There is no question that there was a lack of communication throughout this. Clearly, the members of both opposition caucuses were not aware of the discussions that their leaders had entered into, and frankly if there has been any abuse of process, I would say that is it.

**Mr Philip:** Point of order, Mr Speaker: It is fairly clear from the statements by both the Conservatives and the New Democratic Party that we were consulted by our leaders.

**The Deputy Speaker:** That is not a point of order.

**Mr Philip:** That was not the issue, and the—

**The Deputy Speaker:** It is not a point of order. The minister may resume.

**Hon Mr Ward:** In conclusion, I would just like to point out that I believe Roberta Jamieson has been noted by all members of this House as an excellent choice and will no doubt serve the people of this province well. It gives me great pride to move notice of motion 21.

Motion agreed to.

#### HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Mr Miller moved, on behalf of Mr Wrye, third reading of Bill 219, An Act to amend the Highway Traffic Act.

**Mr Miller:** I believe that it has been debated a week ago and that all parties are in support of it. Therefore, I think we will just move forward with the bill.

**Mr Morin-Strom:** I am pleased to be able to address a few comments to this bill that has been long awaited in the Legislature. Bill 219, An Act to amend the Highway Traffic Act, was introduced by the former Minister of Transportation way back in February of this year and the government did not proceed with it during the spring term, obviously giving an indication of how high a priority highway safety has in this government's mind.

This bill, however, does make some significant steps forward with respect to highway safety and our party is in support of the types of policy changes that have been included in the bill to this point. They cover a range of areas such as bicycles, seatbelts, tow trucks and school buses. In addition, there are some amendments that will improve the regulation of disabled persons' parking permits. I think that for the disabled

community, the initiative in this area probably is the one that is most significant within this bill.

The replacing of current disabled-symbol licence plates with a portable permit that will provide greater flexibility for disabled persons is a step in the right direction. There are, of course, many other areas, many of them housekeeping matters, that are included in this bill. However, there are initiatives that we would still like to see come forward from this government with respect to highway safety. I would mention in particular initiatives covering the areas of school buses and the need for seatbelts in school buses. While this bill does take some steps in the right direction with respect to school buses, the most important initiative that is required, I believe, for our young people is the mandatory use and provision of seatbelts in school buses in the province.

There are a number of other areas that are awaiting a bill from the new Minister of Transportation (Mr Wrye). In particular, I would refer to some of the initiatives that have been announced in the government's announcement this summer on the Ontario motorist protection plan. At the time, the Minister of Transportation announced that he was going to come forward with initiatives to improve beyond this particular bill in the area of accident prevention and providing some other areas that were not the focus of this bill.

I would hope that the Minister of Transportation will move forward on that bill during this fall session so that we can see some of the initiatives he had announced at that time, initiatives including higher fines for speeding and traffic offences, campaigns to increase the use of seatbelts and daytime running lights, consideration of licence restrictions on new drivers, better identification and treatment of high-risk drivers including mandatory treatment of repeat drinking-driving offenders, increased funding for highway median barriers and paved shoulders, and improved freeway traffic management. These are initiatives that go, I think, in an appropriate direction towards making our highways safer places and hopefully reducing the risk of injury and accident to drivers across the province.

This legislation is being awaited by the opposition parties and we hope the minister will act quickly on it. For now, of course, we are supportive of this bill, Bill 219, but do wish that the minister would press more diligently and more effectively in the future to bring forward improved highway safety improvements beyond those covered in this bill today.



1620

**Ms Bryden:** I spoke in the debate on this bill when it came into committee again in this present sitting and I recognize that there are a lot of good things in the bill, many of them long overdue, since the bill was introduced in February. We are glad we are getting those things implemented.

I mentioned several other things that the minister was asked to consider whenever he has to bring in new legislation, and I hope it will be very soon. Among items he should be looking at is the whole question of the size of transport trailers operating on our highways, particularly on our major thoroughways. There have been all sorts of jackknife accidents and some fatal accidents because either these freight trains, as I call them, on the highways are not properly maintained or are too large for the kind of operation that they are engaged in, mixing with regular motorists on the same highway. I think we have to bring the size of those freight trains under control in the interest of public safety.

I also agree with my colleague that we have to look more carefully at school buses and how they can be made safer. I know there are problems with seatbelts in school buses, but I think the engineers should be able to make some sort of device or some sort of design for school buses that will make them safer. They are the last group in the province that does not seem to be restrained in the case of an accident.

I welcome the new rules for bicyclists. I am a bicyclist myself on the weekends. I do not usually ride it downtown. I believe bicyclists should, like other people, like other motorists and other users of the road, obey the rules and have to give their names and identities if they are stopped because of a suspected violation. But I also think that there should be much more attempt to recognize that both cars and bicyclists share the right of way and have a right to be there, and that bicycling is becoming a much more important means of transportation, partly because of the high costs and partly because they do not use fossil fuels. Also, they are certainly being used by students, low-income people, people on sporting excursions and they should certainly have their right to the road protected.

I do not see anything in the act that really stops motorists from pushing bicyclists over to the edge or looking to see if there are bicyclists in the right-turn lane when they attempt to make a right turn, because they do share that right-turn lane. We need more recognition that bicyclists are people and that they have a right to share that road.

We should, of course, develop more bicycle paths, bicycle routes and special bicycle lanes, as they do in Europe, in Asia and in other countries. We have to address this problem and see that bicyclists have a right to share that road. I would also like to see some movement in the direction of stopping motorists who enter intersections after the yellow light has gone on and they may not complete it. That is also very hazardous to bicyclists. There is far too much of that going on and not enough to stop that kind of abusing of their rights.

I welcome the new rules for helping disabled persons get their parking permits recognized. I think it is long overdue as well.

With those comments, we will vote for the bill, but it is only a step in the right direction.

**Mr Laughren:** It will be very brief. I just want to commend the new parliamentary assistant to the Minister of Transportation. I know how much work he has done on this bill. I had a lot of calls from his constituents concerned about the previous Highway Traffic Act and expressing great pleasure that the member for Norfolk (Mr Miller) had been promoted to parliamentary assistant to the Minister of Transportation. There is only one unanswered question and that is how come the member for Sudbury (Mr Campbell) is not a parliamentary assistant?

**Mr Sterling:** I would like to congratulate the member for Norfolk for being appointed as a parliamentary assistant as well. I just want to point out to him that I want him to know it is dangerous to smoke around places where gasoline is located. I know where the member comes from.

**Mr Miller:** I'm getting out my peace pipe.

**Mr Sterling:** He is taking out his peace pipe now. I wish him well and we will be supporting Bill 219.

**The Deputy Speaker:** Any questions and comments on the member's statement? If not, do other members wish to participate in the debate?

**Mr Miller:** I would just like to wind up and indicate that I have—

**The Deputy Speaker:** We will check around first. If not, then the parliamentary assistant would like to wind up.

**Mr Miller:** I just want to say that we have been listening carefully to the comments from the opposition side. Safety is an important factor, particularly for the disabled and for our young people. There are the safety belts and the bicycle riders. I would like to indicate to our friend the member for Beaches-Woodbine (Ms Bryden)



that my son, when he comes to Toronto to work at Bell Telephone, brings his bike and he does his travelling around Toronto on a bicycle, so it is a safe place to ride. I really do not know how he makes the mileage he does. I like to drive in a car, but the bicycle does play an important role.

Again, we will be moving ahead. I think the minister indicated that in his remarks last week. With the safety legislation, it will make it much safer for all people who use the highways.

Motion agreed to.

#### FUNERAL DIRECTORS AND ESTABLISHMENTS ACT, 1989

#### CEMETERIES ACT, 1989

Mr Haggerty, on behalf of Mr Sorbara, moved third reading of Bill 30, An Act respecting Funeral Directors and Establishments.

**The Deputy Speaker:** Does the parliamentary assistant have an opening statement?

**Mr Haggerty:** Perhaps we should have the other companion bill introduced at the same time. If there are any discussions with the opposition members or any member of the Legislature, then we will follow that train, if we have consent, I guess.

**The Deputy Speaker:** Is there consent to introduce both of them at the same time?

Agreed to.

Mr Haggerty, on behalf of Mr Sorbara, moved third reading of Bill 31, An Act to revise the Cemeteries Act.

**The Deputy Speaker:** Do you have any opening statements for both?

1630

**Mr Haggerty:** The honourable members may want to make a few comments and perhaps I can answer some questions for them.

**Mr Farnan:** I shall be very brief. I have just a very few comments to make.

These bills were carried by my colleague the member for Sudbury East (Miss Martel) through committee and through clause-by-clause. Quite a number of amendments were made by the official opposition representatives on the committee. My colleague will be dealing with these in her remarks.

I do want to just make a couple of points.

First of all, I believe that contained in this bill is a considerable amount of positive consumer legislation. Obviously, New Democrats are always pleased when there is positive, constructive consumer legislation. We are even more pleased when this legislation actually reflects the

position that New Democrats have taken over the years.

There is not a shadow of a doubt, I believe, in anybody's mind who is prepared to honestly ask themselves the question, "Where did these positive proposals emanate from?"

I think those who are honest will recognize the fact that my predecessor as critic of the Ministry of Consumer and Commercial Relations, Mel Swart, the former member for Welland-Thorold, was a member who dedicated himself in a most extraordinary way to consumer protection. He was a member who took a particular interest in the bereavement industry, abuses that existed within the bereavement industry and, certainly, in putting forward constructive recommendations to improve consumer protection.

I believe the passage of these bills does not do all that Mel would have wanted us to do but I suppose we cannot expect everything all at once. Therefore, I want to express I suppose a limited commendation to the government in response to the needs of consumer protection within this area.

Over all, there remains a concern of separation between the sectors in the bereavement industry. The sectors we are talking about are funeral directors, cemeteries and monument builders. I am not going to go into a great deal of detail, I am not going to go into any detail here, because I think we have very clearly expressed our position at second reading and in committee. Suffice it to say that separation, we believe, would be a constructive deterrent to corporate concentration, to monopoly and, in the long run, constructive for consumer protection.

We have clearly identified the inadequacies of the legislation and we believe that what has happened in other jurisdictions, particularly in British Columbia, may well indeed be the result in Ontario. We will be coming back, I suggest, to the government with our concerns as we see the concentrations emerge and we see the small players squeezed and we see the protection of the consumer exposed to abuse.

We will be pointing out that although the government did not get it all right the first time, there will be further opportunities in the coming months and perhaps years for the government to come back to this issue and perhaps to get it right on another occasion.

I do want to say this though. Before this bill goes through, I hope someone on the government benches has the good grace to recognize the contribution of our former colleague, Mel Swart. I have attempted on innumerable occasions to the

minister—I should correct that; I believe it is to the former minister—and certainly throughout the committee process as well to say there is a need to have a generosity of spirit that recognizes the contribution of members other than those of the government.

For example, the member for Niagara Falls (Mr Kerrio) today talked about a nonpartisan approach or the necessity for raising the quality and the tone of the debates. I think that can happen when the government recognizes the important role of opposition. I would defy anybody to look at the history of this legislation and to deny the important contribution, the fundamental contribution, that was made by Mel Swart, former member for Welland-Thorold.

So the last opportunity in the passage of these two bills comes today with the parliamentary assistant's response to this bill. I am going to put it very clearly to the parliamentary assistant: "Demonstrate a generosity of spirit, demonstrate an honesty. We agree that the legislation is good in terms of consumer protection and we commend the government on bringing forward the legislation. I think we had a good process. I personally and my caucus are not totally happy with the whole package, but have the decency to demonstrate on this last occasion the contribution made by my predecessor."

**Miss Martel:** I want to say that I was pleased to participate in the public hearings and the amendment-making process on this bill. Members who were not around for those two weeks before the House sat should know that the former Minister of Labour and I were together once again in the standing committee on resources development dealing with this particular bill. I must say, however, that the tone, the attitude and the whole process was a far better one than that which came out of Bill 162, and it was a pleasure to actually participate, for a change.

I will deal with some of the amendments that we proposed, some of the concerns that were raised during the course of the public hearings, in particular the concerns of heritage organizations. Given that I am also the critic for the Ministry of Culture and Communications, I would like to put on record now some of the concerns that those groups in particular had with the process, firstly, and secondly, with some of the implications in this bill for heritage concerns and heritage values in this province.

First of all, dealing strictly with Bill 30, my colleague has talked about separation and how important we in the New Democratic Party think that is and how important it is that the

government will have to look at the increased concentration in this market. I should also say that as a consequence, we moved a provision for full separation, which was voted down, and of course we expected that.

The second thing I moved in the context of Bill 30, which is An Act respecting Funeral Directors and Establishments, had to do with an advisory committee. Members of the House may or may not know that in March, when the discussion papers concerning these two bills were released by the former minister, he stated in his press release that the government would establish an advisory committee. The purpose of that advisory committee and its mandate would be to advise the minister on issues affecting the bereavement industry in this province. We think that is a very important principle. We think it is a very good idea. The former member for Welland-Thorold also promoted that idea in some of the discussions in which he was involved in this Legislature.

#### 1640

We felt it was not enough that the government should only talk about establishing an advisory committee but that in fact we should enshrine that important principle in this particular piece of legislation. We believe that a broad group representing the Consumers' Association of Canada, native bands, historical societies, the industry itself, the seniors of Ontario and other groups and the memorial societies as well should play an important role in determining issues of concern in this sector and how they can best be resolved through consultation among those various players. So I moved in committee that we establish an advisory committee, that we enshrine it in the legislation and that we ensure that it will be established and carry on to do the very good work that is needed in this sector.

The Liberal members of the committee did not agree to the establishment. They felt that the minister's comments and commitments in this regard were enough. I can only say that I hope the whim of the minister and the ministry do not change in this regard because it would be easy for the ministry to say that it no longer wants to consult, that the advisory committee is not a good thing and that when these bills are passed, the legislation is going to be much better and we are going to see improvement in the industry and in fact would not proceed to the next point, which would be to set up this particular committee. I am sorry that the Liberal members would not go that extra step to agree to enshrine the principle of that committee in the legislation and to actually



ensure that that committee would be established and would start to do some very important work in the province.

Second, I would like to deal with some of our concerns about Bill 31, An Act to revise the Cemeteries Act. I mention again that the concerns I am going to raise in this context are concerns from the historical societies in particular. There were a number of concerns raised by various groups about the trust provisions inherent in this legislation as well as some of the consumer protection provisions. During the course of the hearings and the clause-by-clause, we raised our concerns with the ministry staff and we were assured that some of our concerns would in fact be implemented during the regulation-making process.

However, I do want to raise the heritage concerns because this appeared to be the only group in the province that was not involved in this particular process. They had in fact no input into the legislation, bills 30 and 31, which this government and this House is dealing with at the present time. I think a very telling tale came from Mrs Dorothy Duncan who is the executive director of the Ontario Historical Society. She came before the committee and talked about the total lack of input by heritage and historical organizations. She said that their society, the Ontario Historical Society, learned about this bill quite by accident in mid-July 1989.

From there, they contacted the minister, made representation and asked to be involved in the regulation-making process etc, but she also pointed out another significant fact. That was that once they found out about the bill, that society then contacted approximately 300 other heritage organizations in northern and southern Ontario. They found that only one organization knew of its existence.

"We have learned this week that there appears to have been a discussion paper circulated. Unfortunately, the community I represent did not receive it... There appears to have been no public consultation about heritage components, and there are representatives of many historical groups who are here today," that is, at the public hearings. "They would have liked to have made presentations" to the committee if we had the time, but we had a full agenda in our committee and only a few of those organizations could be heard in that week of public hearings.

I think it is important that I raise that point because there did seem to be a fairly broad consensus and discussion among other participants in the industry. I cannot fathom why this

particular group and others like it were not part of that process. That is why I want to raise their concerns here today and get them on record.

It is important as well that we do recognize as a Legislature, and that the ministry recognizes, when it drafts regulations for these bills and this bill in particular, that there is a real heritage value that we must consider and preserve in this province. The heritage societies say it best when they say: "We, the heritage community in Ontario, recognize cemeteries as a source of historical and cultural information that cannot be found or duplicated from any other source. For that reason, the maintenance and preservation of existing cemeteries and the preservation and interpretation of the many unknown burials and cemeteries that we know will be uncovered in the future is of primary concern to us."

That is the reason why some of these groups in particular came and made representation to impact upon the standing committee, but also upon this government, that these concerns have to be protected and these values have to be protected for future generations.

I would like to go through some of the concerns they raised in comparison with what is actually appearing in the bill and point out again to the government why the concerns exist and why there is a real need to ensure, and I stress, ensure if not guarantee, that these particular groups be involved in the regulation-making process.

First, there was a concern with many of the definitions that are arising out of a particular bill, definitions concerning burial sites, for example. Is that a single bone, a complete body or parts thereof? What does the ministry mean when it talks about discovering a burial site and what kind of protection do we provide to not only an entire skeleton, but pieces of bones and bones that are scattered in a particular area that may well be a First Nations' burial site?

Second, the definition of cemetery; again, does that mean one body? Does it mean more than one body? What are the parameters for what a cemetery actually is and how we are going to define it for heritage concerns? The question of human remains; again, does this mean a complete body or only various parts of the skeleton? Do various parts constitute a human body or human remains that we would be more familiar with? The question of interment rights-holders, people who have a plot and are maintaining a plot. Does that pass on to their heirs? What happens in the case where there are no heirs who



are present to either maintain, upkeep or repair that particular plot?

Finally, there is the question of markers. Does that include mounds for the purposes, in particular, of the First Nations? How do we define these? Do we ensure that, when we define these, we are taking into consideration the broadest possible groups who have a specific concern in this regard?

So there was the question of definitions which has to be dealt with by the ministry. Although we put forward amendments in almost each of the sections that I am going to deal with, in fact we were told again and again that these would be dealt with in the regulations. I guess I am a little bit negative about that whole aspect, because I would rather see some of those things right in the legislation, enshrined completely, so there will be no backtracking and so that MPPs will have every opportunity to participate in that.

In viewing some of the proposed regulations that I see now for Bill 162, if I thought the bill was bad I found out the regulations were even worse and I do not want that to happen with this particular piece of legislation in front of us.

The next section I want to deal with concerns the closing of a cemetery. Under the bill, the registrar, who will be appointed under this particular bill, can "(a) declare a cemetery"—a whole cemetery or a part thereof—"closed."

That registrar can further "(b) require the owner to disinter all human remains therein and specify the manner of disinterment and the manner and place of reintering or dealing with the remains."

The registrar can also "(c) require the owner to remove any markers and relocate them to a specified place."

The concern the groups had is that in fact people who were totally unqualified to go in and to remove interred human remains would in fact go in and destroy everything in that cemetery, not only bodies and caskets thereof, but also markers and monuments that were related to those particular sites. They also questioned the fact that even if a cemetery were closed, why was it necessary for the registrar to turn around and order that all those bodies be reinterred somewhere else? Surely the point had to be made that we could be declaring that cemetery a historical site or of heritage value, in which case it would remain intact and it would be maintained by historical societies in this province, if not the municipalities, as well, in conjunction with the historical societies.

So there are some legitimate questions about why a cemetery, when being closed, should have everything removed from it and why it should not be kept intact. Second, if you were going to insist upon removing both bodies, tombstones and markers in the process, that you have some extremely qualified people present to do that, not only from archaeological societies, but from heritage societies and from first nations peoples as well, so that all of these groups have a chance to ensure that damage is not done and these things are removed in the safest and most effective manner possible.

The next section I want to deal with concerns section 33. There is a real concern about what happens when a cemetery is, in effect, declared abandoned. What happens both to the lots and markers that are there and to some of the gravesites that are intact as well? The problem we see in this section in fact is that, "If a marker has been erected on a lot that is the subject-matter of a declaration of abandonment, the cemetery owner shall remove and store it at the owner's expense for at least 20 years."

#### 1650

The problem we see is that the cemetery owner, whether it be a municipality or a private cemetery owner or a nonprofit group, as we heard during the course of the hearings, may not have any expertise at all to do this properly. We heard from many heritage groups that people who were unqualified could go in and destroy all of the heritage value in a particular cemetery because they removed markers improperly or they repaired them improperly.

These people just did not and would not have the expertise to know how to do that carefully and with the skill that was required. So the groups have suggested and we suggested to the ministry that when it is dealing with some of the regulations on how this is to be done, those very groups who have expertise and skills in this area must be consulted by the ministry and must be present to participate in drafting regulations which affect these particular sections.

The next section I want to deal with is section 44, which talks about cemetery and crematorium operations. In particular I want to deal with the question of cemeteries, that "Every cemetery owner shall maintain...the grounds of the cemetery, including all lots, structures and markers, to ensure the safety of the public and to preserve the dignity of the cemetery."

There was a great deal of discussion on this particular section that came up as a result of a coroner's report that looked into the death of a

young girl in a cemetery in southern Ontario. There were some specific recommendations there concerning public safety, which I think have prompted the government to move a little bit farther beyond what was necessary in terms of guaranteeing public safety in a cemetery where you have large monuments that are perhaps old and in need of repair or are a little bit unstable.

We heard from many groups who deal with restoration of markers and stones in particular that in fact the safety of the public could be ensured. There was no need to have a cemetery owner go in and make all kinds of repairs which he was unfamiliar with, destroy the marker, probably cause it to topple and break, and in fact destroy some of the value of those markers and the whole cemetery itself in terms of historical content.

The heritage groups suggested in here that there were a number of organizations, in particular an international organization which is a nongovernmental group that deals with this very issue, and in fact sets standards for stabilization and for conservation of markers and stones. They said that it would be very much in the best interests of this ministry to sit down with some of those people and take a look at what their suggestions were in this regard.

The people who were most qualified should be involved in the process of determining what standards were necessary, how cemetery owners could comply with those and what standards were necessary for conservation, who should be contacted in the case that you were closing a cemetery or had to go in and repair monuments in a cemetery and how best we can deal with public safety without a lot of hysteria, without going far beyond what is necessary to ensure that public safety.

I just say to the parliamentary assistant who is here today that I trust that those people who are very qualified will be involved, because they would probably be of great benefit to the ministry in setting some of those standards. They are very much concerned with public safety as well, but there are probably better ways to go about determining public safety than to have everyone helter-skelter trying to repair monuments they know nothing about or how to fix.

In the same vein, in section 48, we are dealing with almost the same particular problem. If a marker in a cemetery is a risk because it is unstable, there should be some kind of mechanism in place that all of the public has to follow in terms of repairing and resetting or laying down the marker. Again they suggested that those same

groups that I referred to just earlier in my comments should be contacted to determine the most efficient way of ensuring that the public is advised of what the safety concerns are and that the public is involved in the process of being notified, having the other groups who are concerned also being notified and bringing in some of those very capable people who can repair properly the monuments, so that we are not doing more damage than anything else in the cemetery and not even causing further concerns for public safety as a consequence.

Along the same vein, there was a concern noted that if you were going to go in and stabilize both monuments and markers with qualified people, you give some thought to the time in the year that you are going about doing that. The concern was raised that if you had a municipality that was ordered by the registrar to go in and repair and replace monuments, that municipality may not choose the most opportune time of the season to do that.

If they went in when the ground was frozen or snow was about to fall, they again, just by the fact that they are in at a bad time in the season, would do a great deal of damage that would not be justified and that might be avoided if we were dealing with it in the spring or summer. So I raise again the concern that not only do we need qualified people, but we have got to be thinking seriously about when some of these repairs are going to take place so we are not doing more damage than good.

There was a great deal of discussion about the regulations. The ministry, when we raised the concerns of the historical organizations, said again and again that many of the concerns we were raising would make their way into the regulations and that all these groups would be contacted and their participation would be requested so that the valid concerns they were raising would be incorporated. I am extremely concerned when I go through the regulations to see just how much power we are giving the ministry to put forward regulations which will act as a proviso to this bill.

I say again that I am extremely concerned that we could not have put more of these right into the bill so there would be no question as to whose responsibility was what; what people were expected to do when and where; where the funding was going to come from in order to protect some of these sites, and so on. I say to the parliamentary assistant that the process of regulations is an extremely important one in the context of this bill, given that there are so many



areas that are left to regulations to be decided, and I trust that the ministry will involve a broad as group as possible when it starts to undertake this process.

There are questions in the regulations that concern inspectors, that talk about prescribed people, that talk about definitions, etc, and those all have to be very carefully considered when we are dealing with this particular bill.

If I can just back up for one moment and deal with section 66, it talks about the ability of the director to freeze the assets of a cemetery owner if he thinks the cemetery owner is about to do something which is not in the public interest or which will jeopardize the public interest. The problem, of course, is that public interest is not defined in the legislation; that has been left to the regulations.

I point out to the parliamentary assistant that I hope in the course of defining public interest the ministry will also take into account the public interest that must be served by the preservation and heritage conservation of the cemetery; that if in fact a cemetery owner or municipality for whatever reason is going to do something in that cemetery, those concerns be taken into account as part of the overall concern of public interest.

There is a section on vandalism which unfortunately I was not party to, having had to leave the committee early that day, but there was certainly under section 70 a question as to why under this bill we are not fining those people who destroy in a cemetery, go in and dig up things, take things and disturb the whole burial site or cemetery. I know under the particular act we have in place now there is a fairly large fine for people who are convicted of vandalism in a cemetery.

I think, and the heritage organizations expressed the same concern, that vandalism still must remain a criminal offence under the new act. There should be fines, and those fines should be hefty. We have to provide a deterrent for people not to go and do all kinds of damage in cemeteries in this province. I am not sure why the ministry has moved to weaken the law. Under the new bill the only consideration that is taken into account is that the cemetery owner try and recover what the value of damage was from the liable person.

In my opinion, if they cannot find the liable person, you are not going to get things any better in that regard. But certainly if there is someone who is liable for damage and destruction done, not only should they repay for all the damage that was done but they should be punished in some

form or another. I think that there must be a criminal offence attached to vandalism in a cemetery, and second, there should be a fine so that it says seriously to people, "We will not tolerate, as a government, these kinds of acts in cemeteries or burial sites in this province."

#### 1700

I dealt with most of the concerns from the Ontario Historical Society. There were a number of other concerns raised by the groups which were able to get standing as they relate to heritage values. I have another brief from the International Council on Monuments and Sites, and it is this particular council that in fact has been dealing with developing standards for both cemetery and marker conservation and preservation.

They said quite clearly to the committee that they were a group of experts, and they are in every sense of the word. They were professionals in the area of conservation and preservation of monuments and sites, and in 1988 they had sat as a committee to address these very issues and would be, they felt, of enormous benefit to the ministry in working with the ministry to develop standards and guidelines in this regard. So I would hope that the ministry will contact some of these people during the regulation-making process.

We had similar concerns about heritage raised by the Association of Heritage Consultants, by the Ontario Council of Professional Osteologists and by the Ontario Archaeological Society.

Finally, my last concern, which is an overwhelming one, is the manner in which Bill 31, the Cemeteries Act, will impact upon the Ontario Heritage Act. Under an amendment that was moved by the Liberal members on the committee, this act will override section 6 of the Ontario Heritage Act. The problem I have is that the Ontario Heritage Act is now under review, and this Legislature and many historical and heritage groups in the province are awaiting the results of that particular review.

I am left to wonder that if section 6 of the Ontario Heritage Act is changed in any way, what type of implications that will have in bearing upon the Cemeteries Act. There was a sense that we should be leaving out that whole question of the heritage act until such time as that review was complete and we would see as a House whether there were any changes in that act which would impact upon cemeteries, markers, abandonments, monuments, etc.

I think it is unfortunate and regrettable that in fact we will continue to deal with the heritage act in association with this particular bill because it



was of prime concern to many of those groups. They were concerned about the issues I have mentioned, but they certainly were tremendously concerned about the impact of this bill in conjunction with the heritage act, especially for the fact that the heritage act policy review was not complete.

Finally, just in summing up what the concerns were of the heritage groups in this regard—and my colleague has dealt with our overwhelming concern of separation—I do want to point out that their concerns are very valid. They are even more valid when we recognize that in fact only one of all of those groups was actually contacted about the bill and had some input.

I think it is incumbent upon both the Minister of Consumer and Commercial Relations (Mr Sorbara) and the Minister of Culture and Communications (Ms Hart) that they ensure that those groups are involved in the regulation-making process around this bill. We asked the minister if the regulations were developed yet and he told us they were not. I trust that that is the case, because it would be extremely bad on the part of this government and for us to discover inadvertently that the regulations are in fact drafted and that the statement and the commitment to input is not very sound.

There are a number of groups and they should be listened to. They represent and their concerns represent a very important factor arising out of this bill, that is, how we best guarantee and protect heritage values and heritage concerns. So I say to the parliamentary assistant I certainly hope that he can ensure on the part of the Minister of Consumer and Commercial Relations that those groups will be involved, that the regulations are not yet drafted and that their concerns will be taken seriously.

Finally, it was an enjoyable proceeding otherwise. It certainly was different from the last encounter we had in the resources development committee. As my colleague the member for Cambridge (Mr Farnan) has already indicated, the New Democratic Party will be supporting these bills. I can only ask again that during the regulation-making process these very valid concerns should be taken into account and the necessary changes should be made at that time.

**The Acting Speaker (Mr D. W. Smith):** Thank you. Are there any questions or comments on that?

**Mr Fleet:** Thank you very much, Mr Speaker. I might just say congratulations to your elevation to that position, temporarily at least.

I wanted to make a particular reference to the comments about the Ontario Historical Society. In fact, I recently received correspondence from Joan Miles, who is very active in my riding with the West Toronto Junction Historical Society, of which I am also a member. I read through the Hansard of the committee when it dealt with the lack of notice to historical groups and I made some further investigation.

I am advised by members of my committee that in fact there was a subsequent amendment to one of the provisions of the act to deal with some of the concerns, but also there were some assurances given that the historical groups would be involved with the regulation-making part of the process. I think that all are acknowledging that the lack of complete notice in what was otherwise a very full process of consultation was regrettable.

I would like to take this opportunity to draw to the attention of all members that with the process that we are now relying on about giving consultation, the regulatory reform report, which is now about a year and a half old and which I chaired with the assistance of members from all parties, very much goes to the heart of this process of consultation to make sure that we take into account all groups that are out there.

I urge all members to take into consideration, in particular those who were on the committee and who saw this inadvertent flaw in the consultation process arise, that we want to avoid this happening again. I think that the historical groups, whom I support very strongly, have an excellent role in developing legislation and the forthcoming development of the Ontario Heritage Act and should not be inadvertently overlooked. I support very strongly the correction of that process and urge other members to look to improve it in the future.

**The Acting Speaker:** Any more questions or comments? The member for Sudbury East.

**Miss Martel:** I only want to respond by saying that I am sorry that the former Minister of Labour did not have time to read the report before he introduced Bill 162 because the process around that bill might have been a heck of a lot better in this House had he done that.

I do want to say, though, in fairness to the former Minister of Consumer and Commercial Relations that it was evident to all of us that in fact the process around these two bills had been very wide. Almost all of the groups, with the exception of this whole sector, had been widely consulted and the process had been an ongoing one, in which the participation and the comments

and concerns raised had been taken into account by the ministry.

I would only point out again my overwhelming concern with so much of this being left in regulations. The minister did try to guarantee that in fact the regulations were not developed, and I hope that is the case. For the benefit of the parliamentary assistant, I have advised those groups in particular that they should immediately write to both the Minister of Consumer and Commercial Relations and the Minister of Culture and Communications, reinforcing again their desire to participate and asking both of those ministries when this process will begin and when they can come down to Queen's Park and participate as equal partners in that process.

I look forward to hearing the responses back from both ministers in that regard and I look forward to finding out that those groups will in fact participate and that that participation will begin very soon.

**Le Vice-Président :** Merci. Est-ce qu'il y a d'autres députés qui veulent participer au débat ? Other members? If not, does the parliamentary assistant wish to wind up?

**Mr Haggerty:** Yes. The government appreciates the concerns raised by the honourable members, particularly from Cambridge and Sudbury East. The main purpose of these bills is to increase the level of consumer protection offered to the public and create a fairer marketplace for all participants. The bereavement sector is a unique marketplace and the bills reflect this in their provisions.

As mentioned by the member for Cambridge, the ban on the operational connections will serve the objectives of the separation of the bill and by further regulations. I am sure we assured in committee that regulations would follow in detail. For example, due to the great possibility of contacting consumers who are recently bereaved or in other equally sensitive circumstances, telephone and door-to-door solicitation would be banned from this sector.

I suppose I can stand here and say that yes, much of the credit in this particular area should be given to the former member for Welland-Thorold, Mel Swart. I have had the pleasure of sitting on county government with Mel Swart for seven years. We have worked very well together on county government, and I am sure members can see the same results here.

Mel has been dedicated in the area of municipal affairs, municipal government, county government, regional government and as a representative in the Ontario Legislature. I think

his dedication and concern in the interests of the public of Ontario is appreciated by all members, I am sure, of the Legislature and the public at large.

I had the pleasure of meeting Mel the other day. I did not attend the annual wardens' banquet that we hold between the two former counties of Lincoln and Welland. Mel attended that, I think, last Friday night. For the first time I did not get there, but it is a kind of a family reunion of elected representatives in the Niagara region. Perhaps one of these days I will be able to participate in that more fully.

#### 1710

Bills 30 and 31 are the product of a lengthy, intensive consultation process with a wide array of interested groups. Industry participants, consumer groups, religious groups, natives, the archaeological and scientific community are only a few of those whose input has been received and appreciated.

The bills have recently been reviewed by the standing committee on resources development. I would like to thank the 31 groups that appeared and commented and the members of the House who contributed to refining the bills through this process. I would also like to thank the opposition members who have expressed their support for the bills in general.

Significant amendments were made during the committee hearings regarding a number of points, such as protection of cemeteries designated as historical sites under the Ontario Heritage Act, simplifying the complaints process under Bill 30 and extending the time period to prosecute persons who disturb burial sites.

The government believes these bills represent a balanced approach to increasing consumer protection, encouraging a fair and competitive marketplace for funeral, cemetery and monument sector participants.

Development of the regulations under these bills is now proceeding. This process will continue the consultation which has gone into the formation of the bills themselves. As soon as the regulations have been developed, the proclamation date for implementation of this new legislation will be announced.

I am sure that answers some of the concerns the member for Sudbury East had raised here this afternoon. In committee, I understand, staff said the advisory committee would be available when required. We are going to have continual consultation bases here to improve upon the bereavement industry in Ontario.



Members talked about the Ontario Heritage Act, and Dorothy Duncan was mentioned. The executive director of the historical society did appear before the standing committee on resources development to voice these concerns and its dissatisfaction with the lack of consultation on this issue.

The bill has two amendments relating to these concerns. An amendment to section 87 clarified the relationship between the new Cemeteries Act and the Ontario Heritage Act by restricting the Cemeteries Act to prevailing only over part VI of the heritage act. This will avoid interfering with the protection of designated historical sites.

An amendment to section 76(1)(37) was a direct result of the consultation with Miss Duncan and the Ministry of Culture and Communications. This amendment clarifies the ability to make regulations regarding the stabilization and the preservation of monuments.

Further meetings have been arranged with the historical society and other interested heritage groups in early November to obtain input into the drafting of regulations. Many of their concerns with this legislation are related to the notice provisions and technical standards which are matters for regulation, not for the act. The emphasis they desire to place on heritage issues would be inappropriate in a regulatory statute, and any comprehensive treatment should be carried out under the Ontario Heritage Act.

While the minister recognizes that there are heritage and archaeological concerns regarding cemeteries, these interests are secondary in the context of the act to the primary interests of consumer protection. The minister believes that the concerns of these groups can be dealt with in regulation and has committed to developing these regulations in consultation with them.

I think that may ease some of the concerns in this particular area, about some form of international standardization of monuments, etc. Perhaps we are not ready yet, as I said in committee, for free trade in this area. I think we do perhaps have stronger regulations in this area than there would be on an international basis. Hopefully, that will be fulfilled.

The other areas that were talked about, section 33, the heritage act, section 44 and section 48 and section 66, care and maintenance, will be thoroughly covered in regulations with still further input by particular parties who are interested in the bereavement sector.

**The Deputy Speaker:** We shall deal with these two bills separately.

Mr Haggerty, on behalf of Mr Sorbara, has moved third reading of Bill 30, An Act respecting Funeral Directors and Establishments.

Motion agreed to.

**The Deputy Speaker:** Mr Haggerty, on behalf of Mr Sorbara, has moved third reading of Bill 31, An Act to revise the Cemeteries Act.

Motion agreed to.

#### TORONTO TRANSIT COMMISSION LABOUR DISPUTES SETTLEMENT ACT, 1989

Mr Phillips moved third reading of Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes.

**The Deputy Speaker:** Does the minister have an opening statement?

**Hon Mr Phillips:** No, I think I will respond after the other comments.

**The Deputy Speaker:** Do members wish to participate in the debate?

**Mr D. S. Cooke:** It's an irrelevant bill.

**The Deputy Speaker:** Minister.

**Hon Mr Phillips:** I moved third reading, as I said earlier, of the bill. I think it is a bill that accomplishes two fundamental objectives; it ends the inconvenience to the people of Metropolitan Toronto, and it does the very best to protect collective bargaining. So I would now like to deal with the bill.

**The Deputy Speaker:** Mr Phillips has moved third reading of Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

#### POWER CORPORATION AMENDMENT ACT, 1989

Mr Lipsett, on behalf of Mrs McLeod, moved third reading of Bill 204, An Act to amend the Power Corporation Act.

Motion agreed to.

#### TOWNSHIP OF SOUTH DUMFRIES ACT, 1989

Mr Ward, on behalf of Mr Sweeney, moved third reading of Bill 55, An Act respecting the Township of South Dumfries.

Motion agreed to.



OCCUPATIONAL HEALTH AND SAFETY  
AMENDMENT ACT, 1989  
(continued)

Resuming the adjourned debate on the motion for second reading of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

**The Deputy Speaker:** The member for Algoma (Mr Wildman) had the floor last and had completed his presentation.

**Mr Laughren:** Mr Speaker, on a point of order: The member for Algoma had adjourned the debate, but I do not believe he had completed his remarks. I would ask if there is consent by the House for me to complete those remarks and perhaps make a few of my own.

**The Deputy Speaker:** Is there consent in the House for this?

**Hon Mr Ward:** The understanding is that he is making his own remarks, as I understand it.

**The Deputy Speaker:** Regardless, is there unanimous consent in the House for this?

Agreed to.

1720

**Mr Laughren:** I appreciate the fact that members of the House recognize the fact that these are my remarks and not those of the member for Algoma.

**Mr D. S. Cooke:** It's not the first time you've spoken for Bud Wildman.

**Mr Laughren:** The first person to object if I were to pretend to be him would be the member for Algoma, I assure the member.

**Mr Fleet:** Understandably.

**Mr Laughren:** "Understandably" is correct.

Here we go again with a piece of labour legislation with which we profoundly disagree. The last piece of legislation, of course, was the Workers' Compensation Amendment Act, Bill 162. This party felt very strongly, when that was introduced, when it was being debated and during the public hearings, that it was not in the best interests of injured workers in the province. I felt it then, I felt it during the hearings and I feel it now.

When that was happening, there was a perception by many of us, which the former Minister of Labour did nothing to alter, that while Bill 162 was bad—and I have no doubt in my mind that history will prove that—at least the government was going to proceed with the bill known as Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act, and that it would

be favourable to workers in the province. Why not? We had every reason to believe that this bill was a good one and that we would have no trouble supporting it, nor would workers all across the province. As a matter of fact, there was some enthusiasm for this bill.

From the moment this bill was introduced earlier this year, on 24 January 1989, the lobby started from the business community. Those of us who are members received numerous mailings from the business community objecting to the provisions of Bill 208. As that persisted and as the lobby persisted, rumours started swirling about that the government was going to water down the provisions of the bill that would make Ontario a healthier and safer place to work. The Minister of Labour at that point, now the Minister of Consumer and Commercial Relations (Mr Sorbara), denied them and said no, he had a commitment to Bill 208, it would proceed and, as I recall, he would not do anything like that.

But when a cabinet shuffle occurred in August, guess what? The member for York Centre (Mr Sorbara) was moved out of the Ministry of Labour and in came the member for Scarborough-Agincourt (Mr Phillips). The rumours—

**Mrs E. J. Smith:** A good choice.

**Mr Laughren:** Perhaps it was a good choice. That is not the point. I am not demeaning the Minister of Labour. What I am criticizing once again is the process.

Very clearly, the Premier (Mr Peterson) and in particular the Minister of Industry, Trade and Technology (Mr Kwinter) were getting a lot of flak from their friends in the business community, and perhaps even from the friends of the government whip; I would not know that. Nevertheless, they were getting flak, and the Minister of Labour was dropped because he had made commitments he simply could not back down on.

The new Minister of Labour comes in. He has made no commitments because he was not the Minister of Labour before August. He can start with a fresh slate. He can start by saying, "I'm listening to people out there, and we'll take a good look at it."

It is a discouraging process when things are done in good faith—and we as an opposition party responded in good faith, thinking that Bill 208 would be a good thing. We went out and said so publicly: "Bill 208 is a good bill and we will support it." The government got a lot of accolades and a lot of good public relations and, I am sure, headlines, as I recall, out of the

introduction of Bill 208 in its original form. The government got what it wanted; it got the right kind of public relations out there, especially from among the labour movement and others who are sympathetic to the cause of working people in the province.

To have that process occur in such a way that what made people feel good about it was changed is really unforgivable on the part of the government. Even if there were not as significant changes as there are, I would feel betrayed by what has happened, by what the government has done. As I go through making a few remarks, I intend to point out this afternoon just why I feel that way.

We really were pleased with the original bill. Why would we not be pleased? It did some things we liked. I do not mind pointing out those things. The amendments that were introduced back then meant the training of people on the job would lead to certification and at least one worker representative and one management representatives on every joint health and safety committee that would be certified. The joint health and safety committees would be able to issue binding cleanup orders, as the Ministry of Labour inspector now does under the existing legislation. If the company did not follow the order, the certified worker or representative could shut down that unsafe work area.

Just for those who are not that familiar with the health and safety legislation at the present time, a worker can refuse to do unsafe work, but the worker cannot shut down that operation under the existing legislation. That is not in it. When Bill 208 was introduced, everybody thought: "Here we go. We now put legislation in place that will give the worker-inspector the right not just to refuse to work in that dangerous location or to do that dangerous operation but actually to shut down the particular operation that was dangerous." Not only that, but a bipartite health and safety agency was to be established consisting of the two chairs from management and from labour. There was a good feeling about that.

The amendments really were going to give workers more control over their working conditions, particularly through better training and the right to shut down an unsafe operation. Two very important principles are embodied in that. Also, the bipartite health and safety agency was a long-standing demand by the labour movement and, I think, a very positive one as well.

The workers argued that these kinds of changes would be good for management as well, because in the long haul, the only way to reduce

workers' compensation costs is through a healthier, safer workplace. Everybody makes the right noises when you say that, and there is the nodding of heads in a very friendly way, just the way the Minister of Labour (Mr Phillips) is doing, but when it comes time to doing something about it, there are screams of bloody murder, and that is indeed unfortunate.

The amendments proposed in the original Bill 208 were not revolutionary. They did not give workers control over the workplace. It was not what we democratic socialists used to call, in our more radical days perhaps, worker control. It did not give workers control over anything in the workplace except their own safety and health. The minister seemed to think that was controlling the workplace. The business community seemed to think that was controlling the workplace. We were giving the workers control over the workplace. Since when is control over your own safety control over the entire workplace? I think it was a downright silly objection.

Anyway, we supported the original set of amendments—and the minister will agree with this intellectually, I think—because we felt very strongly that the status quo is unacceptable in terms of the number of deaths and accidents in the workplace. Last year, according to the minister's own figures, I believe he said there were 360 work-related deaths in Ontario and close to 500,000 accidents on the job. That truly is unacceptable, and I think everyone would agree with that.

Does the minister really think he is going to solve the problem by wishing it would go away? Surely the government has to do something more dramatic than that, but it has not. They had a chance to do it, and they did not do it. They blew it. They blew a really good chance to make some major improvements, and I regret that very much.

The business community would agree that those numbers are not acceptable. I chaired the standing committee on resources development. It as an all-party committee, as all the standing committees are. We travelled the province. It was to investigate the dangers in the mines and to try to make improvements in health and safety in our mines because they are a very dangerous part of working in Ontario. The committee members from all three parties worked extremely hard in that committee and came up with a unanimous report, and that is not easy to do in this place. The committee came up with a unanimous set of recommendations that it thought would improve the health and safety of miners.



Wherever we went, management of the mines said: "We want to make improvements. We find unacceptable the number of deaths and the number of injuries, and finally, we think the compensation costs are too high as well." There is nothing wrong with saying that as long as they are prepared to do something about it, but just to think they can wave a wand and make things better is downright silly.

1730

When the minister responds at some point this month or next to this debate, I would sure be interested that he tell us specifically how what he is doing here is going to make Ontario workplaces safer and healthier, because I do not think this bill has anything in it that will do that. I do not think it is strong enough. I think it has backed down on all the key areas.

As I said, the members of the government party will argue that they want a safer workplace. They would not agree that the status quo, the number of deaths and injuries, is acceptable but they will argue, as will the business community, that our competitive position is endangered. That is what the Minister of Industry, Trade and Technology argued, that is what the business community argued and apparently that is what the present Minister of Labour has accepted, that if we put this bill in, that if we pass this bill in its present form, the competitive position of industry in Ontario will be in danger.

If he does not believe that, why did he not proceed with the original bill? He must have bought some argument that led him to conclude that the bill should be changed; he must have. He did not change the bill just on a whim. Surely there was a reason, some logic that led him to change the original bill. There had to be some reason. If it was not fear that this bill would make our industry less competitive, then I do not know what it was.

I cannot imagine how, for example, health and safety committees on construction sites make our industry less competitive. How does that make our industry less competitive in the number of workers on the committees and so forth? I cannot imagine how a truly bipartite health and safety agency, rather than tripartite, makes Ontario less competitive. I have no idea.

I do not know what kind of process, what kind of thinking is in the minister's head to say that having a tripartite committee, a health and safety agency, makes us more competitive than having a bipartite health and safety agency. I did not hear the minister say that, but as I say, I do not know why else he would feel he had to change and draw

back from a commitment made to the labour movement and to us that it should be bipartite, management and labour, rather than management, labour and another chair, a third-party chair. I do not know how; I do not understand that. How does that affect control over the workplace or Ontario's competitive position? I have no idea where the minister is coming from on that.

For example, I do not know how—here, I guess, is where you really get down to the crunch—I do not understand how giving a worker rep, or for that matter a management rep, if members read carefully Bill 208, the original bill, how giving a safety rep on the job the right to shut down an unsafe operation endangers our competitive position as laid out by business and industry and by the Minister of Industry, Trade and Technology.

I sure want to hear from the minister how that makes Ontario less competitive or endangers our competitive position. That is clearly the message that was coming through. That is what the Liberals are saying—by implication they are—and that is what the business community is saying. Let me tell members what—

**Hon Mr Phillips:** Joint health and safety committees on construction sites with over 20 people; 5,000 joint health and safety committees.

**The Deputy Speaker:** Order, please.

**Mr Laughren:** I agree. Let me tell you—

**The Deputy Speaker:** Through the Speaker, of course.

**Mr Laughren:** Through the Speaker, of course. Ross Dunsmore is chairman of the Board of Trade of Metropolitan Toronto, a business organization. He said that after—this was dated back in September, 28 September to be exact. "Ross Dunsmore, chairman of the Metro Toronto Board of Trade labour relations committee, said after recent meetings with ministry officials he's convinced 'they're sensitive to a number of criticisms the business community has brought to bear.'" Then the Minister of Industry, Trade and Technology said, "'I've not seen an issue that's drawn concerted opposition from the business community as has Bill 208.'" That is the minister's friend Mr Kwinter acknowledging that. Then Mr Dunsmore goes back and says, "With free trade, we have to compare the cost of doing business here with Buffalo or Georgia."

Now, is that not wonderful? We are now in a situation where we are worried about our labour laws vis-à-vis the labour laws in Georgia. Alabama is next.



**Hon Mr Phillips:** That is Dunsmore.

**Mr Laughren:** Well, that is Mr Dunsmore, right, and through Mr Dunsmore, the Minister of Industry, Trade and Technology, because he is the mouthpiece of industry. I do not mind the Minister of Industry, Trade and Technology being the mouthpiece of industry if only this minister were the mouthpiece for labour, but that is not the case.

As a matter of fact, the line that is going around out there in Ontario now is: "How come Mr Kwinter has such a heavy workload? He is Minister of Industry, Trade and Technology and Minister of Labour as well." What does that leave for the Minister of Labour? It is not fair and if I were him I would object. I would not accept that kind of demeaning attitude by the Premier either.

I quote the Minister of Industry, Trade and Technology again. This was in the Legislature on 4 July of this year in response to a question from my friend the member for Sault Ste. Marie (Mr Morin-Strom). He said: "This is a bill, as I said earlier, that cuts across the total economy. As the Minister of Industry, Trade and Technology, I make no apology for being the champion of business. I make no apology for that at all."

I do not think he needs to, but surely if that is the case, if he is sitting at the cabinet table championing the cause of business—quite proudly he does it, I am sure—then why is the Minister of Labour not sitting at that same cabinet table championing the cause of labour.

**Hon Mr Phillips:** This bill does it.

**Mr Laughren:** If that was the case, why did you amend the bill then?

**The Deputy Speaker:** Through the Speaker, please.

**Mr Laughren:** Of course, through the Speaker. Why would the minister amend the bill? Is the minister saying that all the labour movement is wrong that the original bill was better than this; that my colleague the member for Hamilton East (Mr Mackenzie), who has spent a lifetime in the labour movement, is wrong; that we as a party collectively with well-known ties to the labour movement in the province, and quite proudly so, are wrong and we do not know what we are talking about, and that this minister knows best and that he, Ross Dunsmore and the Minister of Industry, Trade and Technology know best what is safe on the job? Is that what he is saying, that he knows better than these other people who have spent a lifetime trying to improve health and

safety conditions? Well, that is what the minister is saying.

**Mr D. S. Cooke:** Is he going to try to tell us that his amendments are going to strengthen the legislation?

**Mr Laughren:** I will spend some time on those proposed amendments before I sit down because I do not want to make some blanket accusations. I have read the bill and I have read the minister's statements, so I am not just flailing away in a rhetorical fashion, I hope. I am quite serious that I think the minister is fundamentally wrong in his assertion that this bill will do the job that the original Bill 208 set out to do. I think what the minister is trying to tell us is. He is proposing changes but: "Don't worry. It will still accomplish what 208 was set up to do."

**Hon Mr Phillips:** It may do it better.

**Mr Laughren:** It may do it better, says the minister. Well, I would be very interested to know the logic behind that.

I remember when, 10 years ago exactly, the original health and safety bill was introduced. For the first time, it gave workers the right to refuse to work in an unsafe location. The workers themselves could say, "I won't do that job because it is unsafe." It did not mean that unsafe operation was discontinued. It could keep going and the management could send in somebody else to do that unsafe job. No question that was it. That was the way it was.

When that was introduced, the hue and cry by the business community was almost exactly like the hue and cry over Bill 208. But guess what, Mr Speaker, because I know you would be interested in this because you were first elected in 1985, I believe? Was it 1984? I am sorry.

In 1979, if members will just think back a bit, it was a minority government era. There was a minority government between 1977 and 1981, a Conservative minority government. Despite the hue and cry from the business community we persisted with that original bill that gave workers the right to refuse to work in an unsafe location or do an unsafe job.

**1740**

There was a majority government, between 1981 and 1985. In 1985, eureka, another minority government. The New Democrats said: "Well, as part of an arrangement for supporting the Liberals after 42 years of conservative rule, we want improved conditions on the job. We want improved health and safety legislation." What we got—I guess 1986 was the year—was the right-to-know legislation which gave workers an

absolute right to know the materials they were working with and so forth. That was a minority government and we got that. We felt good about that and we gave credit to the government for doing that as well.

It was 1987, I guess, when the right-to-know legislation came in. Now, in 1989, heading for 1990, it is time to make further improvements, but guess what? It is now a majority Liberal government. Does anybody really think that we would be having this difficulty with this bill if it were a minority Liberal government? Not a chance. If this were a minority government, they would be falling all over themselves over there to bring this bill in its original form; no question.

**Mr D. S. Cooke:** Unless they decided to go with the Tories.

**Mr Laughren:** That is right, unless they hooked up with the Tories to gut the bill.

I just wish that people out in Ontario would reflect occasionally on the values of minority government, because that is when we get progressive legislation. I know there are people out there who do not want progressive legislation. If the members do not believe me, just ask Mr Dunsmore and he will tell them.

After the original legislation in 1979, which gave workers the right to refuse to work in an unsafe location, that right was not abused. I am sure the minister, in all fairness, would be prepared to stand on his feet and say that right to refuse to do unsafe work has not been abused by workers in Ontario. Anybody who has examined this issue will tell the members the same thing. It has not been abused; it really has not.

Therefore, what in the world makes the minister think that the original Bill 208, which allowed a worker inspector, or a management inspector for that matter, to shut down an unsafe place would be abused? What makes him think that would be abused? He has no reason whatsoever to believe that. If he has a reason to believe that, I would sure like to hear it. I look forward to hearing the minister tell us why it was necessary to take away the right of workers to shut down an unsafe operation.

I will get into more details of the minister's statement in a few minutes. There is no question that is what the minister is all about. There is no question that is what the business community wants from this government. It is to take away that right to shut down an unsafe operation. I do not think it is even in dispute that this is what these proposed changes are all about.

I think the minister should understand that we are not talking about, under the original 208

before these proposed amendments, the right of anybody who happens to stumble on to a job that morning to shut the place down. We are talking about the right of certified people to shut the operation down, certified people certified by the health and safety agency, which we thought was going to be bipartite, but now the minister says is tripartite.

It is not as though this were something frivolous. This would have to be by someone certified. Can the minister imagine the pressure on a certified worker inspector who shut down an operation frivolously? There would be as much anger from the workers as there would be from management. That is why the existing legislation has not been abused either. Workers do not want to shut down a place unless it truly is unsafe. Then they have an obligation to shut it down. But is the minister going to let them do that? Not bloody likely.

We know that every time there is new legislation on workers' compensation or on health and safety, the class system rears its ugly head in the province without a doubt. If anybody out there thinks we have done away with the class system in Ontario, I ask that person to examine the workers' compensation legislation and the health and safety legislation. Nowhere is it clearer than that. This is what we are seeing again. Just when working people think they are going to gain an inch or get a few more crumbs from the table, this government or the previous government pulls the rug on them—or pulls the table away, if you will.

If you were to ask anybody, "Do you think it is right that people on the job should be able to shut down a place that is unsafe?" I will bet you there are not very many people would disagree with that as a principle. I do not think many people would—unless, of course, they have a sense that it is a threat to the power structure in the province. Obviously the business community has convinced the Minister of Industry, Trade and Technology that this kind of right is a threat to the right of management to manage. I believe that is where the crunch comes in. I regret that very much because I do not believe it for a minute. There are censures in the original act to prevent that from happening frivolously, but the minister is changing that too. I am telling you, Mr Speaker, it is a sad day.

I remind the minister that we talked about the internal responsibility system today in the Legislature, and my colleague the member for Hamilton East talked about it in a question to the minister. Now for those people who do not know



about the internal responsibility system, what that means is that management and labour through health and safety committees in the workplace manage the workplace in terms of health and safety; they do not rely on the Ministry of Labour to resolve all the problems or to investigate every problem.

When the standing committee on resources development, and I am glad there are some members here who were on that, travelled the province and talked to the mining companies and the workers about the internal responsibility system, all members supported it. Some of them had some reservations. We as a committee had to make a recommendation on that. At least we felt we did. We as a committee recommended that the internal responsibility system be kept in place, be maintained, because—and I think I speak for all members who were on that committee; I am sure they will rise in their place if I do not—what we said was that the alternative to the internal responsibility system is an army of government inspectors to monitor and enforce the health and safety laws in the province. That is what it implies at least. If you take away the internal responsibility system, you have got real problems in the workplace.

What this bill does is undermine the internal responsibility system in Ontario because—and this is why I am surprised at the minister's buying it—you do away with the internal responsibility system, not by legislating it away but because you betray the people who thought they were going to get something better than this, or because you set up a tripartite health and safety agency, or because you play games with the right to shut down an unsafe operation. If you do that and, through that, convince the labour movement that you are not to be trusted, and if they start pulling out of all the joint committees, for example, or other health and safety organizations in the province, you are going to create an adversarial system in the workplace that you do not want, and you will regret for a very long time that you have done to Bill 208 what I think you are doing.

If I am wrong, then we will see, but I need to be convinced that there was any need to change Bill 208 this way. As a matter of fact, there were one or two changes that I thought should have been made to Bill 208 that would have strengthened it, but the minister has have done exactly the opposite. I am not even sure why he is proceeding with the bill, quite frankly. I guess he had no choice but to proceed; he had too many

commitments on that. But I wonder about proceeding with it in this form.

**1750**

I wonder if the minister has really thought this through, the whole question of what happens if the internal responsibility system starts to unravel. If he thinks about that, I think he will come to the conclusion that we are in for a very difficult period in industrial relations.

I am not trying to claim that the sky is falling and that it is the end of the world, but I do think that people on the job out there have every right to feel they have been betrayed with the proposals the minister is making.

The Minister of Labour has been protesting either from his seat or out in the corridor that our objections to his proposed changes to Bill 208 are unfounded and that we are being alarmists; we should relax because these are going to make it a better bill. That is basically what he says, but I am sorry I do not believe him.

I will choose my words carefully, but I think the minister knows that is not the case. I think he knows why he is the Minister of Labour and why the previous minister is not still there. I believe he knows that. If that is the case, I wish he would choose his words more carefully.

When the minister made his opening remarks last Thursday, he said on page 2 that the act "was founded on the central idea that it is the people in the workplace who are in the best position to identify and minimize health and safety risks." That is what the minister said. I am going to come back to that statement, because he says that on page 2 of his statement and then contradicts himself all the rest of the way through the statement.

Why does the minister say something like that? I hope he was not intending just to mail out the first half of his speech to all his friends. That would really be reprehensible. I would not accuse the minister of doing that, but I sure hope he would not do that.

I understand the government wants to take a break now and do royal assents.

On motion by Mr Laughren, the debate was adjourned.

**Hon Mr Ward:** I understand His Honour is awaiting to give royal assent to certain bills.

His Honour the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

#### ROYAL ASSENT

**Hon Mr Alexander:** Pray be seated.



**The Speaker:** May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**Clerk Assistant and Clerk of Journals:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 30, An Act respecting Funeral Directors and Establishments;

Bill 31, An Act to revise the Cemeteries Act;

Bill 55, An Act respecting the Township of South Dumfries;

Bill 58, An Act respecting the Toronto Transit Commission Labour Disputes;

Bill 204, An Act to amend the Power Corporation Act;

Bill 219, An Act to amend the Highway Traffic Act.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

His Honour the Lieutenant Governor was pleased to retire from the chamber.

The House adjourned at 1758.

**ERRATA**

No.	Page	Column	Line	Should read:
49	2737	1	24	house and saw your three-week-old chickens dead
51	2876	1	8	of Goulais River, Heyden and Sault Ste Marie,

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### MINISTRY OF AGRICULTURE AND FOOD

**70. Mr Villeneuve:** Will the Minister of Agriculture and Food provide a statement accounting for differences between the 1988-89 budget allocation for the Ministry of Agriculture and Food and actual expenditures in 1988-89 by standard accounts classification? [Tabled 4 May 1989]

**Hon Mr Ramsay:** The following analysis of the differences between the 1988-89 expenditure estimates for the Ministry of Agriculture and Food and actual expenditures in 1988-89 has

been prepared in response to the above question.

Lower than anticipated expenditures were largely attributable to the low level of payments required under the stabilization plans. Due to the drought conditions, market prices of products covered by the stabilization plans were higher than the prevailing rates of previous years and payments to producers were not triggered.

The available funds were applied, as required, to programs that had higher than anticipated participation and new programs started during 1988-89.

#### Total difference

1988-89 expenditure estimates	\$579,691,123
1988-89 actual expenditures	522,778,459
Difference	<u>\$ 56,912,664</u>

#### Difference by standard account

	Actual expenditures greater than/(less than) expenditure estimates (\$000s)
Salaries and wages	2,423.9
Employee benefits	120.6
Transportation and communications	675.7
Services	( 2,942.5)
Supplies and equipment	( 310.2)
Acquisition and construction	277.2
Transfer payments	(51,694.4)
Other	( 571.9)
Nonbudgetary	( 5,898.9)
Recoveries	1,007.8
Difference	<u>(56,912.7)</u>

### PREMIER'S COUNCIL ON HEALTH STRATEGY

**95. Mr Eves:** Would the Premier provide details of all reports prepared for the Premier's Council on Health Strategy since its inception, including the costs, who prepared them, the subject, the title and an executive summary? [Tabled 4 May 1989]

See sessional paper 142.

### GOVERNMENT PUBLICATIONS

**96. Mr Eves:** Would the Premier provide a breakdown of the costs of the pamphlets released on 24 April 1989, entitled Premier's Council on Health Strategy, and the report entitled A Vision of Health-Health Goals for Ontario, including

the number printed, the production costs of this material, the name of the company that received the printing contract and state where this material has been distributed in Ontario? [Tabled 4 May 1989]

**Hon Mrs Caplan:** The following is a breakdown of costs of the Premier's Council pamphlets:

Title: Premier's Council on Health Strategy. Design, final art, film: MacLaren Advertising, \$27,000. Printing: Johnstone/Adams Graphics, \$7,378. Number printed: 10,000. Total cost: \$34,378.

Title: A Vision of Health-Health Goals for Ontario. Design, final art: Boardwalk Graphics, \$4,200. Film and printing: Johnstone/Adams

Graphics, \$21,588. Number printed: 10,000. Total cost: \$25,788.

The pamphlets have been distributed to all health organizations and interest groups, community and social service agencies as well as interest groups and organizations identified by Senior Citizens Affairs, Office for Disabled Persons, Francophone Affairs, Native Affairs and Women's Bureau. The pamphlets are also available to the general public through the Ontario government bookstore, Ministry of Health information centre and Premier's Council secretariat.

#### GREATER TORONTO AREA

**144. Mr Cousens:** Will the Minister of Municipal Affairs provide the House with a copy of the minutes of all meetings held between the regional chairpersons and the Greater Toronto Area co-ordinating office headed by Gardner Church? [Tabled 15 June 1989]

See sessional paper 143.

#### TORONTO OLD CITY HALL

**161. Mr Johnson:** Would the Minister of Government Services provide details on his ministry's intent to purchase old city hall from Metro council (ie, expected cost and use, etc), as reported in an article in the Toronto Star on 2 March 1989? [Tabled 11 May 1989]

**Hon Mr Ward:** The Ministry of Government Services has recently completed negotiations pertaining to an offer to lease old city hall for another 10 years. While some informal discussions have taken place concerning the possible acquisition of old city hall by the province, no decision will be made until a full review of the province's needs for the structure is finalized.

#### TAX CREDIT FOR NORTHERN RESIDENTS

**195. Mr Harris:** Will the Minister of Northern Development provide copies of all letters, memoranda, documents and studies within his possession which consider the establishment of an Ontario tax credit for northern Ontario residents. [Tabled 8 June 1989]

**Hon Mr Fontaine:** There are no letters, memoranda, documents or studies within my possession which consider the establishment of an Ontario tax credit for northern Ontario residents.

This government has undertaken four major fiscal initiatives to develop northern Ontario:

1. A \$100-million northern development fund. To date, \$62.1 million has been spent and the full

balance has been committed. These funds support specific objectives, including the modernization or diversification of northern industry; strengthening tourism and agriculture; encouraging entrepreneurship; responding to native economic needs; and encouraging the use of technology to overcome distance barriers in the north.

2. A \$360-million northern Ontario heritage fund over a period of 12 years to foster the long-term growth and diversification of northern Ontario. The board of the Northern Ontario Heritage Fund Corp has established four target programs under the fund as follows: single industry communities; new technology; special projects; small business (Norfund).

3. Funding for northern Ontario highways has increased significantly under the current government. The average spending for the fiscal years 1986-87 through 1989-90 has increased by 31.4 per cent over that for fiscal years 1983-84 to 1985-86. Total highway program expenditures now exceed \$100 million per year.

4. More than 1,600 jobs will be transferred to northern Ontario from nine different ministries and government agencies to five different northern communities: Thunder Bay, Sault Ste Marie, Sudbury, North Bay and Timmins.

#### ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT

**196. Mr Harris:** Will the Minister of Northern Development provide copies of all letters, memoranda, documents and studies within his possession considering implementation of any or all recommendations of the Royal Commission on the Northern Environment. [Tabled 8 June 1989]

**Hon Mr Fontaine:** Copies of the letters, memoranda, documents and studies within the possession of the Minister of Northern Development are attached.

The Royal Commission on the Northern Environment was established in 1977 and the final report was tabled in 1985. A major focus of its recommendations related to addressing native concerns and the protection of the northern environment. The government has undertaken major initiatives to meet these objectives.

In the areas of native peoples, planning in the north and the protection of the northern environment, the Ministry of Northern Development and Mines has been the lead agency in the successful negotiation of four resource development agreements: Dona Lake gold mining project, 1987; Golden Patricia gold mining project, 1988;



Nelson Granite quarry project, 1988; Magpie hydroelectric project, 1989.

These agreements seek to provide employment opportunities for local native groups, including the establishment of employment targets, provide for efficient consultation with the tribal councils and bands affected regarding their environmental concerns, and offer socio-economic benefits to the neighbouring native communities.

Currently, resource development agreements are being negotiated regarding the Musselwhite gold mining project and discussions are continuing with the Whitesand band concerning a hydroelectric project on the Little Jackfish River north of Lake Nipigon.

Other discussions currently under way include the self-government and economic self-sufficiency negotiations with the Nishnawbe-Aski Nation, in accordance with the memorandum of understanding signed with Ontario in 1986.

Ontario Hydro has reduced residential and commercial electricity rates in remote northern communities to those paid by customers on the grid in Ontario Hydro's rural service area.

The government also funds the children and family services centres in northern Ontario, which allows natives to control the provision of their own social services. There are currently three centres in operation (Tikinagan, Tayukotayno, Weechi-it-te-win) and three more centres are in the advanced planning stage.

The Ministry of the Attorney General is sponsoring the establishment of a new approach for the delivery of legal services to native communities in the remote north. A key component is the introduction of a legal services clinic, the purpose of which is to raise the awareness of those involved in the delivery of legal services to natives in remote communities and to enhance the role of native communities in the delivery of legal services to their residents.

The remote airport program provides access primarily to native communities without all weather roads to help reduce residents' cost of living. In 1989-90, \$4.3 million has been allocated to 20 remote airports. Four airports were completed this year and work at the remaining airports ranges from runway lighting and landing aids to fuel storage facilities and lease lot developments.

The winter roads program provides alternative access to remote northern Indian settlements for the transportation of bulk commodities. The northern Ontario resources transportation com-

mittee will fund some 11 winter road projects and 65 all weather road projects in 1989-90.

Attached documentation:

"February 12, 1986

"Dear :

"Prior to Christmas, you will recall in my statement to the Legislature regarding the Royal Commission on the Northern Environment, that I requested any interested groups or individuals planning to make submissions or representations should do so before the end of 1985. Most of these should be available by mid-February and I would like to proceed with a co-ordinated review and consultation process as soon as possible.

"The following review process is proposed for your early consideration.

"1. All submissions will be tabled with the RCNE working group chaired by Dennis Tieman in my ministry.

"2. Each submission will be assigned to a lead ministry to prepare a preliminary assessment of the issues and to report back to the working group for further review.

"3. A position paper will be prepared by the ministry for circulation to members of the deputy minister's steering committee incorporating the views of all affected ministries.

"4. The steering committee will determine the appropriate mechanisms for resolving any internal (provincial government) conflicts and any major policy issues which should be referred to CCND.

"5. CCND will set aside at least one half-day in late March or April to hear presentations from all those groups who have provided detailed submissions.

"6. CCND will co-ordinate appropriate responses to each group after the presentations.

"Your early response to this proposal would be appreciated in order that my ministry can make any necessary arrangements and notify all affected parties relative to the government review process.

"Yours sincerely,

"Original signed by minister January 12, 1986

"René Fontaine, Minister.

"cc: Ms M Mogford, Deputy Minister, MNR  
Mr R. M. McLeod, QC, Deputy

Minister, MOE

Mr J. W. Keenan, Deputy Minister, MTR

Ms J. Clapp, AG (ONAP)

"bcc: W. D. Tieman

W. W. Stevenson

T. Adamchick, MTR

G. Pyzer, MNR

W. Smithies, MOE

S. B. Feilders  
G. Heroux

"BFEILDERS/mcc/February 6, 1986-SPS

"R: SBF/mcc/February 12, 1986

"A: SBF for WDT RV-Feb 12/86

"A: DT for GT-Feb 12/86

"ws: MIN SIGN-Feb 1986

6-FORM-FEB 6.1

6-BL-FEB 6.1 (LIST)

"Letter sent to attached list

"The Honourable Vincent Kerrio

Minister of Energy

12th Floor

56 Wellesley Street West

Toronto, Ontario

"The Honourable Ian Scott, QC

Attorney General

Minister of the Attorney General

18 King Street East

Toronto, Ontario

"The Honourable James Bradley

Minister of the Environment

135 St Clair Avenue West

Toronto, Ontario

"The Honourable John Eakins

Minister of Tourism and Recreation

7th Floor, 77 Bloor St W

Toronto, Ontario"

"February 27, 1986

"The Honourable René Fontaine

Minister of Northern Development and Mines

10 Wellesley Street East

10th Floor

Toronto, Ontario

M4Y 1G2

"Dear René:

"Thank you for your letter dated February 12, 1986 relating to the proposed review process for submissions relating to the report of the Royal Commission on the Northern Environment.

"I support the process as outlined.

"Your sincerely,

"John Eakins, Minister, MPP,  
Victoria-Haliburton."

"March 5, 1986

"The Honourable René Fontaine

Minister of Northern Development and Mines

10 Wellesley Street East

10th Floor

Toronto, Ontario

M4Y 1G2

"Dear René:

"Thank you for your letter of February 12, 1986, to inform me of your proposal for review

of submissions regarding the Royal Commission on the Northern Environment.

"I agree with the process you have outlined. It will provide the interest groups with a satisfactory measure of access and assist the government in making a considered response.

"Sincerely yours, Jim Bradley, Minister."

"March 20, 1986

"The Honourable René Fontaine

Minister of Northern Development and Mines

10 Wellesley Street East

10th Floor

Toronto, Ontario

M4Y 1G2

"Dear René:

"Thank you for your letter of February 12, 1986 regarding a co-ordinated review of submissions pertaining to the Royal Commission on the Northern Environment.

"I am in general agreement with the process which is being proposed. My only concern relates to item 5, and in particular to the selection of groups to make presentations to CCND.

"As I recall, the Ontario Forest Industries Association did not submit what might be considered a detailed response. The OFIA chose instead, to discuss the final RCNE report with senior staff of my ministry on a number of occasions.

"In light of this obvious strong interest, it would be wrong in my opinion to select and limit groups solely on the basis of the size of a final written report. There should be an additional mechanism, I believe, by which we can invite presentations from key organizations and groups, such as the OFIA, OFAH, NOTO, etc, which have a definite interest in the results of any RCNE review but which have not submitted detailed submissions.

"Sincerely, Vincent G. Kerrio, Minister."

#### NORTHERN HIGH SCHOOL OF SCIENCE AND TECHNOLOGY

**197. Mr Harris:** Will the Minister of Northern Development provide copies of all letters, memoranda, documents and studies within his possession considering the establishment of a high school of science and technology in northern Ontario as outlined in the government's throne speech of 22 April 1986? [Tabled 8 June 1989]

See sessional paper 144.

#### NORTHERN HEALTH OFFICE

**198. Mr Harris:** Will the Minister of Northern Development provide copies of all letters,

memoranda, documents and studies within his possession considering the establishment of a northern regional office for the Ministry of Health as outlined in the government's throne speech of 28 April 1987? [8 June 1989]

**Hon Mr Fontaine:** There are no letters, memoranda, documents or studies within my possession which consider the establishment of a northern regional office for the Ministry of Health as outlined in the government's throne speech of 28 April 1987.

The northern health office was announced by the Minister of Health on 14 July 1989. A press release of that announcement is attached.

**"New Northern Health Office for Thunder Bay**

**"Thunder Bay, July 14—As part of the new effort to improve health services for northern residents, a new northern health office will be located in Thunder Bay, Health Minister Elinor Caplan announced today. The ministry is recruiting a northern co-ordinator who will develop the new office.**

**"'What we hope to achieve,' the minister said, 'is the development of health services specifically tailored to the needs of the north and developed in a co-ordinated and integrated fashion.**

**"I believe the new northern health office will be a major step forward in helping us to reach that objective.'**

**"The northern health office will work closely with the Northern Health Manpower Committee which the minister announced yesterday in Sault Ste Marie.**

**"The new Northern Health Manpower Committee will examine both short-term and long-term health issues, in particular the recruitment and retention of health professionals. The committee will be chaired by the northern co-ordinator, currently being recruited by the ministry.**

**"The committee will act as an advisory body to the minister on northern health manpower issues. The committee's responsibilities will include the following:**

**"to act as a co-ordinating body for manpower planning activities;**

**"to compile an inventory of health manpower across northern Ontario utilizing ministry information systems and health manpower studies;**

**"to identify the sources—including the personnel and financial support—necessary to respond to service or manpower requirements;**

**"to develop recommendations for the minister on the corrective actions that should be taken;**

**"to identify other significant factors which affect health manpower planning; and**

**"to facilitate co-operation among health professionals, institutions, district health councils and health teaching facilities across the north.**

**"Committee members have been appointed after a thorough consultation and nomination process involving district health councils, hospitals, health provider and consumer groups throughout the north.**

**"To help the Northern Health Manpower Committee carry out its responsibilities, two subcommittees will be appointed—one for the northeastern region and one for the northwest."**

#### NORTHERN DEVELOPMENT COUNCILS

**200. Mr Harris:** Will the Minister of Northern Development provide a list of initiatives recommended by each northern development council and identify which initiatives have been acted upon and what action was taken? [Tabled 8 June 1989]

See sessional paper 145.

#### ATTENDANT CARE

**203. Mrs Marland:** Would the Minister of Community and Social Services table a list of the number of provincially funded attendant care spaces available in the province by municipality including the total cost to the province for providing these spaces? [Tabled 12 June 1989]

**Hon Mr Beer:** A list of the number of provincially funded attendant care spaces available in the province by municipality is attached. The total cost to the province for providing these spaces was \$17,147,444 in 1988-89.



**Ministry of Community and Social Services  
Attendant Care Programs**

**Central Region**

<b>Agency Name</b>	<b># of Residents</b>	<b>Agency Name</b>	<b># of Residents</b>
<b>Halton</b>			
Carey House	10	M6K 1B8	
1401 Ontario Street		(416) 533-6759	
Burlington, Ontario		Project 1	14
L8S 1G5		Oak Street co-op	
(416) 681-2682		50 Cornwall Street, #514	
<b>Dufferin</b>			
<b>Peel</b>			
Peel Cheshire Homes	10	M5A 4K5	
361 Queen Street		(416) 865-9545	
Streetsville, Ontario		Project 2	13
L5M 1M3		Henry Lane Terrace	
(416) 826-5846		25 Henry Lane Terrace	
Peel Cheshire Homes	12	Toronto, Ontario	
156 Murray Street		M5A 4B6	
Brampton, Ontario		McLeod House	6
L6Y 3C1		11 Lowther Avenue	
(416) 459-5099		Toronto, Ontario	
Peel March of Dimes	8	M5R 1C5	
Brittania Place		(416) 925-7346/925-7885	
25 Glen Hawthorne Boulevard		Morrison Residence	16
Mississauga, Ontario		341 Bloor Street West	
<b>Simcoe</b>			
Barrie & District Association for		#1008	
Physically Disabled		Toronto, Ontario	
Support Care Services Program		M5S 1W8	
80 Bradford Street, #20		(416) 598-1867	
Barrie, Ontario		North Yorkers for Disabled	10
L4N 3A8		Persons Inc	
(705) 737-3263 (4)		2880 Bayview Avenue	
Elaine House	5	North York, Ontario	
88 Cook Street		M2N 5K3	
Barrie, Ontario		(416) 222-4448	
L4M 4G6		Nucleus Housing	14
Elaine House Apartments	5	30 Denarda Street, #716	
101 Kozlov Street		Weston, Ontario	
Barrie, Ontario		M6M 5C3	
L4N 4R1		(416) 242-3401	
Edgehill Drive	5	Three Trilliums Community	
Barrie, Ontario		Place Inc	
Subtotal	57	(416) 533-8309	
<b>York</b>			
<b>Toronto</b>			
Ashby House	12	Three Trilliums Project	113
78 Springhurst Avenue		300 Dufferin Street, #713	
Toronto, Ontario		Toronto, Ontario	
		M6K 3E5	
		Three Trilliums Project 2	12
		25 Elm Street, #203	
		Toronto, Ontario	
		M5G 2G5	

Agency Name	# of Residents	Agency Name	# of Residents
Bellwoods Park House 300 Shaw Street Toronto, Ontario M6J 2X2	32	Caboto Terrace 3050 Dufferin Street Toronto, Ontario M6B 4G3	12
Bellwoods Park House 389 Church Street, #201 Toronto, Ontario M5B 2E5	12	Windward Co-op 34 Little Norway Cres #601 Toronto, Ontario M5V 3A3	12
Participation Apartments Metro Toronto 1020 Lawrence Ave W, #303 Toronto, Ontario M6A 1C8 (416) 789-7806	-	Participation House Cliffwood Manor 4000 Don Mills Road Willowdale, Ontario M2H 3N2	12
Douglas Saunders PAMT 1775 Eglinton Ave W #1016 Toronto, Ontario M6E 4Z9	13	Village Apartments 50 Tuxedo Court Scarborough, Ontario M1G 3S8	6
		Total	266

## Northern Region

Agency Name	# of Residents	Agency Name	# of Residents
<b>Muskoka</b>		<b>Cochrane</b>	
Friends of the Physically Handicapped, Muskoka PO Box 2442 Bracebridge, Ontario P0B 1C0 (705) 645-9733	12	THRAG 506 Lonerгон Boulevard Timmins, Ontario P4P 1C9 (705) 268-2240 (Outreach requested to expand the Temiskaming and Cochrane—rural)	15
<b>Algoma</b>		<b>North Bay</b>	
Ontario March of Dimes 700 Bay Street, Suite 112 Sault Ste Marie, Ontario P6A 6L7 (705) 949-5399	12	PHARA 280 Oakwood Avenue North Bay, Ontario (705) 476-2288/476-0733	15
<b>Sudbury</b>		Friends of the Physically Handicapped, Parry Sound 27 Forest Street Parry Sound, Ontario P2A 2R2 (705) 746-5102	12
Participation Project 765 Brennan Road Sudbury, Ontario P3C 1C4 (705) 673-0655	-	<b>Thunder Bay</b>	
Haig St Apts & Centre 765 Brennan Road Sudbury, Ontario P3C 1C4	12	HAGI 150 Castlegreen Drive Thunder Bay, Ontario P7A 7T9 (807) 767-6277	-
Participation Apartments 2200 Regent Street S Sudbury, Ontario P3C 5S2	20	Transitional Living Ctr 150 Castlegreen Drive	24

Agency Name	# of Residents	Agency Name	# of Residents
Thunder Bay, Ontario P7A 7T9		110 Castlegreen Drive Thunder Bay, Ontario	
Satellite Project 170 West Donald Street Thunder Bay, Ontario	16	Satellite Project Cumberland Street Thunder Bay, Ontario	10
Satellite Project	10	Total	158

## Southwestern Region

Agency Name	# of Residents	Agency Name	# of Residents
<b>Wellington, Bruce, Grey</b>		PO Box 604 L3B 5R4 (416) 788-1455	
Participation Lodge RR 1 PO Box 139 Holland Centre, Ontario N0H 1R0 (519) 794-3201	12	<b>Brant</b> Participation House 10 Bell Lane PO Box 2048 Brantford, Ontario N3T 5W5 (519) 756-1430	
Participation Lodge Apts Owen Sound	6	West Centre Apartments 11 West Street Brantford, Ontario N3T 3E4	17
<b>Waterloo</b> Independent Living Centre 50 Mooregate Cr #303 Kitchener, Ontario N2M 2G1 (519) 745-5690/576-6300		<b>Middlesex</b> Cheshire Homes of Lond Inc 98 Baseline Road West London, Ontario N6J 1V2 (519) 673-6614	
Project 1 Independent Living Centre 50 Mooregate Cr #302 Kitchener, Ontario N2M 2G1	10	Cheshire Home I 534 Princess Avenue London, Ontario N6H 4N9	8
Guelph Independent Living Project 53 Speedvale Avenue West Guelph, Ontario N1H 1J6 (519) 824-1711	11	Cheshire Home II 120 Cherryhill Dr, #614 London, Ontario N6H 4N9	19
Participation House Apartments 16 Cedarwood Cr #308 Kitchener, Ontario N2C 2L4 (519) 894-0960	14	Cheshire Home III 98 Baseline Road West London, Ontario N6J 1V2	12
<b>Hamilton-Wentworth</b> Twenty Emerald North 20 Emerald Street N, #309 Hamilton, Ontario L8L 8A4 (416) 528-4261	16	The Dale Home 392 Southdale Road West London, Ontario N6J 4G7 (519) 668-1123	8
<b>Niagara</b> Tanguay Place 675 Tanguay Ave	13	Participation House 1106 Dearness Drive Unit 5C	11



Agency Name	# of Residents	Agency Name	# of Residents
London, Ontario N6E 1N9		<b>Essex</b>	
<b>Elgin</b>		Cerebral Palsy Association	22
Outreach services only		291 Lauzon Road	
<b>Huron</b>		Windsor, Ontario	
Outreach services only		N8S 4L5	
<b>Perth</b>		(519) 948-1100	
Outreach services only		ALPHA	24
<b>Oxford</b>		3185 Forest Glade Drive	
Outreach services only		Windsor, Ontario	
<b>Haldimand</b>		N8R 1W7	
Outreach services only		(519) 735-4244	
<b>Norfolk</b>		<b>Lambton</b>	
Outreach services only		Outreach services only	
		<b>Kent</b>	
		March of Dimes (Chatham)	15
		Total	218

## Southeastern Region

Agency Name	# of Residents	Agency Name	# of Residents
<b>Ottawa-Carleton</b>		Ottawa, Ontario	
CORDI House	8	K2B 8J5	
1604 Pullen Avenue		Parkway House	12
Ottawa, Ontario		2475 Regina Street	
K1G 0N6		Ottawa, Ontario	
(613) 523-4505		K2B 6X3	
TELCI (1)	10	(613) 820-5613	
1 Palsen Street		Daley Co-op Inc	17
Nepean, Ontario		2410 Southvale Cr #101	
K2G 2V7		Ottawa, Ontario	
TELCI (2)	8	K1B 5K2	
Reeser House		(613) 521-4237	
25 Tower Road		<b>Stormont, Dundas, Glengarry Counties</b>	
Nepean, Ontario		N/A	0
K2G 2V7		<b>Prescott, Russell Counties</b>	
Integrated Housing Project		N/A	0
1316 Carling Avenue #F		<b>Renfrew County</b>	
Ottawa, Ontario		N/A	0
K1Z 7L1		<b>Hastings/Prince Edward Counties</b>	
(613) 729-1700		Hastings-Prince Edward Inc	12
Project #1	13	246 John Street	
89 Forward Avenue		Belleville, Ontario	
Ottawa, Ontario		K8N 3G1	
K1Y 4M2		(613) 966-2941/962-3968	
Project #2	14	<b>Frontenac, Lennox &amp; Addington Counties</b>	
475 Laurier Avenue W		Kingston's Home for Handicapped	
Ottawa, Ontario		272 King Street West	
K1R 5C7		Kingston, Ontario	
Project #3	12		
1320 Richmond Road			

Agency Name	# of Residents	Agency Name	# of Residents
K7L 2X4 (613) 548-7991		Lindsay, Ontario K9V 2W8	
Tercentennial Lodge 372 King Street West Kingston, Ontario K7L 2X4	20	Cambridge United Church (Lindsay)	1
Endymion 372 King Street West Kingston, Ontario K7L 2X4	12	<b>Northumberland</b> Outreach services only	
<b>Leeds County</b> N/A	0	<b>Peterborough</b> Kawartha Participation Projects PO Box 402 Peterborough, Ontario K9J 6Z3 (705) 745-4122	
<b>Grenville County</b> N/A	0	Collison House 210 Collison Crescent Peterborough, Ontario K9J 1A8	3
<b>Lanark County</b> N/A	0	Auburn Village 931 Armour Road Peterborough, Ontario K9J 2A7	4
<b>Durham County</b> Durham Regional Cheshire Home 829 Simcoe Street North Oshawa, Ontario L1G 4W1	2	St Giles 775 Park Street South Peterborough, Ontario K9J 3T6	3
Durham Regional 15 Regency Crescent Whitby, Ontario L1N 7K4     3 vacancies	13	St John's Centre Brock & Water Street Peterborough, Ontario Covering five area counties	10
<b>Victoria</b> St Paul's House 41 Russell Street West	6	Leta Brownscomb Total	3 193

#### MINISTERS' OFFICE STAFF

**241. Mr McCague:** Would the Chairman of Management Board of Cabinet provide, for each member of the executive council, a list of all individuals employed in his/her office as of this date, including anyone who has been seconded from within the government? Please list the name, current position and salary range of each individual. [Tabled 26 June 1989]

See sessional paper 146.

#### DEINSTITUTIONALIZATION

**248. Mrs Cunningham:** Would the Minister of Community and Social Services table a list of the number of jobs eliminated in provincially run institutions by institution since the announcement of the multi-year plan for the deinstitution-

alization of developmentally handicapped persons made on 28 May 1987? [Tabled 4 July 1989]

**Hon Mr Beer:** No jobs have been eliminated as a result of activities related to the province's multi-year plan since its announcement on 28 May 1987.

MYP is a community development plan which aims to achieve the following long-term goals over the next 20 to 25 years: the establishment of a comprehensive community service system in which all developmentally handicapped people receive the support they require in their home communities and the planned phase-out of institutional placement of people with developmental handicaps.

I would like to emphasize that MYP is a plan to reduce the number of new institutional admissions to a minimum and to provide current

institutional residents with opportunities to live in the community as those opportunities are developed within the community and as the required support services are made available.

My ministry is committed to maintaining and improving the level of service within the facility system during this period of placement activity, as is outlined in the seven-year operational objectives of MYP.

MYP's seven-year operational objectives include: the development of a wide range of residential, supported living, employment, day program and support services for 8,000 to 9,000 developmentally handicapped people living in the community; the development of community living opportunities for a minimum of 1,000 people now living in institutions, and the development of community living alternatives for 1,000 developmentally handicapped people currently living in nursing homes.

I am aware that measures should be taken to safeguard the integrity of the institutional services system until a full community-based system is in place. I also recognize that the province must continue to provide adequate levels of programming and direct care to institutional residents and must make some capital expenditures to avoid deterioration of the physical plant and to ensure the safety of the residents.

In the first stage of meeting this commitment, the ministry has increased staffing in its facilities. The second phase of this process, which will ensure service integrity, involves maintaining staff levels at near current levels while residents are still being placed at facilities. The ministry is reviewing the level of staffing maintained at each facility based on the needs of current residents and the unique characteristics of the physical plant.

The population of residents in schedule I facilities has decreased since 1 April 1987, when the institutional population was approximately 4,015 residents. By June 1989, the total population was approximately 3,712 residents, a reduction of 303 residents.

During this same period, the payroll records of

schedule I facilities reflect a net increase in the number of classified and unclassified staff. As of 31 May 1987, the total number of staff on payroll was 6,465. As of 31 May 1989, the total number of staff on payroll was 6,600, an increase of 135 staff.

The net result of all activities related to MYP has been the improvement of staff-to-client ratios. A net reduction in resident population of 303 and a net increase in staff of 135 has taken place. The ministry will continue to monitor the level of services required by residents in schedule I facilities and will ensure that their needs are met with no loss in quality.

#### PALLIATIVE CARE

**249. Mrs Cunningham:** Would the Minister of Community and Social Services table a list of the number of palliative care programs, including a program description, the location and the funding provided by the ministry for the operation of these programs? [Tabled 4 July 1989]

**Hon Mr Beer:** The ministry does not fund palliative care programs per se, although many of Ontario's homes for the aged provide care for people who are in the final stages of life. In addition, the ministry provides funding to a community hospice in Collingwood and support to a volunteer counselling program in Kent county.

#### HOMES FOR THE AGED

**251. Mrs Cunningham:** Would the Minister of Community and Social Services table a list of the number of people waiting for beds at each home for the aged in the province? [Tabled 4 July 1989]

**Hon Mr Beer:** The attached list summarizes waiting lists for Ontario's homes for the aged as of July 1989.

In reviewing this list, it is important to note that some of the numbers reflect double counting, as people may make an application to more than one home. In the larger waiting lists, it is also important to note that not all the applicants would choose admission if space became available.

Name of home	Location	Number on Waiting list
Rainycrest	Fort Frances	31
Patricia Gardens	Dryden	16
Manitoulin Centennial Manor	Little Current	30
Pioneer Manor	Sudbury	20
Cambrian Hall	Sudbury	0



Name of home	Location	Number on Waiting list
Cedar Grove Lodge	Chapleau	0
FJ Davey Home	Sault Ste Marie	65
Algoma Manor	Thessalon	12
Ontario Finnish Rest Home	Sault Ste Marie	5
Bonnechere Manor	Renfrew	16
Bronson Home	Ottawa	0
Glebe Centre Inc	Ottawa	19
Hillel Lodge	Ottawa	6
Marianhill	Pembroke	92
Marville Manor	Maxville	6
Miramichi Lodge	Pembroke	64
RMO-Carleton Lodge	Nepean	170
RMO-Centre d'Accueil Champlain	Vanier	56
RMO-Island Lodge	Ottawa	180
Residence St Louis	Gloucester	22
St Joseph's Villa	Cornwall	7
St Patrick's Home	Ottawa	84
Centre d'Accueil Rosa Sequin	Clarence Creek	10
Residence Prescott Russell	Hawkesbury	75
Fairview Lodge	Whitby	60
Hillsdale Manor	Oshawa	10
Lakeview Manor	Beaverton	21
Hyland Crest	Minden	0
Golden Plough	Cobourg	34
Marycrest	Peterborough	47
Fairhaven Home	Peterborough	82
Victoria Manor	Lindsay	15
Markhaven	Markham	16
Union Villa	Unionville	53
Georgian Manor	Penetanguishene	19
Kristus Darzs Home	Woodbridge	7
IOOF	Barrie	142
Trillium Home	Orillia	3
Grove Park Home	Barrie	85
Bethany Lodge	Unionville	260
York Manor	Newmarket	6
Hillcrest Lodge	Orillia	6
Parkview Home	Stouffville	377
Sunset Manor	Collingwood	15
Sunset Lodge	Orillia	0
Simcoe Manor	Beeton	17
Albright	Niagara	12
Residence Richelieu	Niagara	0
Nipponia	Niagara	0
RH Lawson	Niagara	2
Shalom Manor	Niagara	125
Heidehof	Niagara	2
Mount Carmel	Niagara	4
Ina Grafton Gage	Niagara	18
Tabor Manor	Niagara	150
United Mennonite	Niagara	178
St Josephs Villa	Hamilton-Wentworth	47
Idlewyld	Hamilton-Wentworth	40

Name of home	Location	Number on Waiting list
Good Shepherd	Hamilton-Wentworth	0
Edgewood Hall (CNIB)	Hamilton-Wentworth	0
Sheridan Place	Brant	0
Dorchester Lodge	Niagara	101
Northland Manor	Niagara	102
Linhaven	Niagara	31
Sunset Haven	Niagara	99
Niagara Satellite	Niagara	0
Upper Canada	Niagara	176
Gilmore	Niagara	146
Wentworth Lodge	Hamilton-Wentworth	125
Macassa Lodge	Hamilton-Wentworth	100
John Noble Home	Brant	23
Dearness	London	8
Knollcrest	Milverton	0
Marian Villa	London	137
McCormick Home	London	12
Ritz Lutheran	Mitchell	24
Spruce Lodge	Stratford	109
Strathmore Lodge	Strathroy	0
Beattie Haven	Wardsville	0
Elgin Manor	St Thomas	0
Grandview Lodge	Dunnville	5
Norview Lodge	Simcoe	13
Terrace Lodge	Aylmer	0
Sacred Heart	Courtland	0
Thomas Williams	St Thomas	0
Valleyview	St Thomas	75
Woodingford Lodge	Woodstock	0
Bluewater Rest Home	Zurich	7
Huronview	Clinton	0
Nithview	Waterloo	88
Parkwood	Waterloo	38
Sunnyside	Waterloo	43
AR Goudie	Waterloo	0
The Elliott	Wellington	160
St Joseph's	Wellington	53
St Luke's	Cambridge	87
Fairview	Cambridge	132
Wellington Terrace	Wellington	27
Gateway	Bruce	0
Brucelea	Bruce	14
Lee Manor	Grey	9
Rockwood Terrace	Grey	5
Grey/Owen	Grey	1
Thamesview Lodge	Chatham	37
Twilight Haven	Petrolia	22
North Lambton Rest Home	Forest	22
Victoria Residence	Chatham	7
Marshall Gowland Manor	Sarnia	4
Huron Lodge Home for the Aged	Windsor	37
Villa Maria Home for the Aged	Windsor	17
St Andrew's Residence	Chatham	1

<b>Name of home</b>	<b>Location</b>	<b>Number on Waiting list</b>
Sun Parlor Home for the Aged	Leamington	4
Leamington Mennonite Home	Leamington	20
The Pines	Bracebridge	88
Cassellholme	North Bay	135
Au Chateau	Sturgeon Falls	84
Eastholme	Powassan	6
Belvedere Heights	Parry Sound	23
Northdale Manor	New Liskeard	2
North Centennial Manor	Kapuskasing	21
South Centennial Manor	Iroquois Falls	16
Golden Manor	Timmins	126
Teck Pioneer	Kirkland	0
Birchwood Terrace	Thunder Bay	1
Dawson Court	Thunder Bay	52
Grandview Lodge	Thunder Bay	41
Pinewood Court	Thunder Bay	13
Pinecrest	Kenora	101
Hastings Centennial Manor	Kingston	9
Hastings Manor	Kingston	43
H. J. McFarland	Kingston	9
Fairview	Kingston	46
Fulford	Kingston	1
Lanark Lodge	Kingston	7
Lenadco	Kingston	4
Providence Manor	Kingston	140
Rideaucrest	Kingston	4
Fairmount	Kingston	24
Mapleview	Kingston	5
St Lawrence Lodge	Kingston	8
Dufferin Oaks	Shelbourne	10
Peel Manor	Brampton	65
Sheridan Villa	Mississauga	100
Halton Centennial Manor	Mississauga	25
Oakville Senior Citizens Residence	Oakville	10
Ivan Franko Home	Mississauga	2
Ina Grafton	Toronto	6
Thompson House	Toronto	0
Providence Villa	Toronto	76
Shepperd Lodge	Toronto	28
Can Place	Toronto	30
Ivan Franko	Toronto	0
Chester	Toronto	10
Nisbet	Toronto	10
Meighan Lodge	Toronto	0
Belmont	Toronto	70
St Thomas	Toronto	2
Mon Sheong	Toronto	65
Rotary Laughlen	Toronto	0
Villa Columbo	Toronto	66



## BOARDS OF EDUCATION

**253. Mr Jackson:** Would the Minister of Education provide the following information, for fiscal years 1984-85, 1985-86, 1986-87, 1987-88, 1988-89 and 1989-90 (projected), for each board of education: total expenditures, total expenditures approved by the Ministry of Education, revenue received by each board from the provincial government, provincial grants as a percentage of total expenditures per board and provincial grants as a percentage of total ministry-approved expenditures per board? [Tabled 5 July 1989]

See sessional paper 147.

## BLUE BOX PROGRAM

**263. Mrs Marland:** Would the Minister of the Environment provide a detailed accounting of all funds spent associated with the erection of a tent on the front lawn of the Legislature to celebrate the blue box program? [Tabled 10 July 1989]

**Hon Mr Bradley:** A detailed accounting of the funds spent on the one millionth blue box event is attached.

The total cost to the Ministry of the Environment was \$35,828.34.

## One Millionth Blue Box Special Event

## Ministry expenses

Item	Total
Tent rental and ancillary equipment	\$6,309.90
Catering	2,090.99
Master of ceremonies	250.00
Recycling characters	120.00
Sorting competition	70.89
Band	275.00
Banners and signs	2,478.49
Invitations	367.78
Buttons	132.30
Sweatshirts	225.35
Display transportation and setup	513.68
Pre-event media publicity and information kit	672.50
Video and audio news releases	7,176.10
Sound system and pool feed, lights	400.00
Security	869.76
Photographer	125.90
Deliveries	270.32
Faxes and copying	119.96
Meeting costs	131.33
Miscellaneous	53.09
Labour	13,175.00
Total cost	<u>\$35,828.34</u>

Ontario Multi-Material Recycling Inc paid an equal amount.

## GOVERNMENT-LEASED SPACE

**269. Mr Johnson:** Would the Minister of Government Services provide, on a ministry-by-ministry basis, for the fiscal years 1985-86, 1986-87, 1987-88 and 1988-89, the total square footage leased by the government and its agencies, boards and commissions, both within and outside the greater Toronto area? [Tabled 10 July 1989]

**Hon Mr Ward:** The Ministry of Government Services maintains these records as of 30 September each year; therefore, the attached information reflects this reporting time frame. All figures are in rentable square feet. Annual adjustments in occupied space are the result of increases or decreases in leased accommodation.

Information for 1988-89 will not be available until the fall of this year.

**Leased space as of 30 September 1985**

<b>Ministry</b>	<b>Metro</b>	<b>Outside Metro</b>	<b>Total</b>
Agriculture and Food	960	339,621	340,581
Attorney General	721,928	1,301,927	2,023,855
Citizenship and Culture	214,109	38,666	252,775
Citizenship Agency	3,877	0	3,877
Civil Service Commission	22,863	0	22,863
Colleges and Universities	22,784	63,632	86,416
Community and Social Services	104,974	470,178	575,152
Community and Social Agency	0	499	499
Consumer and Commercial Rel	400,223	197,073	597,296
Correctional Services	46,005	252,901	298,906
Corr Services Agency	0	1,478	1,478
Education	61,930	73,135	135,065
Education Agency	513,569	0	513,569
Energy	71,937	0	71,937
Energy Agency	10,357	0	10,357
Environment	115,722	143,301	259,023
Government Services	59,827	65,753	125,580
Government Services Misc*	2,051	6,980	9,031
Health	346,047	272,557	618,604
Health Agency	1,938	0	1,938
Industry and Trade	31,387	21,468	52,855
Labour	253,166	87,073	340,239
Management Board	6,600	0	6,600
Mun Affairs and Housing	277,178	49,272	326,450
Natural Resources	126,134	332,719	458,853
Northern Affairs	23,140	57,814	80,954
Office of the Assembly	17,937	0	17,937
Provincial Auditor	13,550	0	13,550
Resource Dev Sect	0	13,159	13,159
Revenue	93,931	356,663	450,594
Social Dev Sect	21,057	0	21,057
Solicitor General	69,424	225,090	294,514
Tourism and Recreation	59,423	33,299	92,722
Transport and Communications	80,029	213,746	293,775
Treasury and Economics	27,003	0	27,003
Treasury Agency	8,841	0	8,841
Women's Directorate	3,155	0	3,155
<b>Total</b>	<b>3,833,056</b>	<b>4,618,004</b>	<b>8,451,060</b>

\*Misc includes first aid and health care facility, cafeterias, common areas, meeting rooms and bookstores.

**Leased space as of 30 September 1986**

<b>Ministry</b>	<b>Metro</b>	<b>Outside Metro</b>	<b>Total</b>
Agriculture and Food	960	353,133	354,093
Attorney General	722,122	1,285,413	2,007,535
Citizenship and Culture	244,473	47,947	292,420
Civil Service Commission	24,869	0	24,869
Colleges and Universities	20,733	36,129	56,862
Community and Social Services	117,106	480,514	597,620
Consumer and Commercial	384,267	183,646	567,913
Consumer Agency	15,004	0	15,004

Ministry	Metro	Outside Metro	Total
Correctional Services	60,567	264,376	324,943
Corr Serv Agency	0	1,419	1,419
Education	82,946	75,370	158,316
Education Agency	515,484	0	515,484
Energy	74,846	0	74,846
Energy Agency	5,708	0	5,708
Environment	137,914	142,624	280,538
Financial Institutions	3,148	0	3,148
Government Services	110,165	61,706	171,871
Government Services Misc*	4,101	15,084	19,185
Health	341,396	300,363	641,759
Health Agency	1,937	0	1,937
Housing	242,487	57,309	299,796
Industry and Trade	31,619	26,252	57,871
Labour	246,177	89,277	335,454
Management Board	6,599	0	6,599
Municipal Affairs	93,374	28,564	121,938
Municipal Affairs Agency	0	13,158	13,158
Natural Resources	127,769	317,333	445,102
Northern Dev	23,139	62,839	85,978
Office of the Assembly	17,936	0	17,936
Provincial Auditor	13,550	0	13,550
Revenue	87,769	355,392	443,161
Skills Development	60,054	28,969	89,023
Solicitor General	116,107	233,333	349,440
Tourism and Rec	56,871	33,553	90,424
Transport and Comm	85,537	211,629	297,166
Treasury and Economics	17,344	0	17,344
Women's Issues	3,203	0	3,203
Total	4,097,281	4,705,332	8,802,613

\*Misc includes first aid and health care facility, cafeterias, common areas, meeting rooms and bookstores.

#### Leased space as of 30 September 1987

Ministry	Metro	Outside Metro	Total
Agriculture and Food	960	359,966	360,926
Attorney General	731,771	1,291,227	2,022,998
Civil Service Commission	24,869	0	24,869
Citizenship and Culture	244,474	45,498	289,972
College and University	21,868	36,130	57,998
Community and Social Services	117,290	497,568	614,858
Consumer and Commercial Relation	390,728	178,029	568,757
Consumer and Comm Relation Agen	15,004	0	15,004
Correctional Services	60,884	269,754	330,638
Correctional Services Agency	0	1,420	1,420
Education	73,181	52,964	126,145
Education Agency	515,484	0	515,484
Energy	78,871	0	78,871
Environment	140,127	129,191	269,318
Financial Institutions	11,998	0	11,998
Government Services	111,279	55,581	166,860
Government Services Misc*	4,101	10,698	14,799



Ministry	Metro	Outside Metro	Total
Health	339,306	291,017	630,323
Health Agency	1,938	0	1,938
Housing	266,506	53,044	319,550
Industry and Trade	48,397	32,121	80,518
Labour	290,920	101,632	392,552
Management Board	6,600	0	6,600
Municipal Affairs	98,094	28,150	126,244
Municipal Agency	0	13,158	13,158
Natural Resources	69,234	231,610	300,844
Northern Development	95,258	72,225	167,483
Office of Assembly	17,937	0	17,937
Provincial Auditor	13,550	0	13,550
Revenue	87,770	359,429	447,199
Skills Development	57,911	26,784	84,695
Solicitor General	118,198	234,291	352,489
Tourism and Recreation	71,857	28,517	100,374
Transport and Communication	85,537	135,207	220,744
Treasury and Economics	17,708	0	17,708
Women's Directorate	3,204	0	3,204
Total	4,232,814	4,535,211	8,768,025

\*Misc includes first aid and health care facility, cafeterias, common areas, meeting rooms and bookstores.

#### Leased space as of 30 September 1988

Ministry	Metro	Outside Metro	Total
Agriculture and Food	4,271	384,309	388,580
Attorney General	760,181	1,329,600	2,089,781
Civil Service Commission	35,293	0	35,293
Citizenship and Culture	247,208	49,494	296,702
College and University	32,292	36,129	68,421
Community and Social Services	110,926	518,080	629,006
Consumer and Commercial Relation	475,956	191,035	666,991
Consumer and Comm Relation Agen	15,004	0	15,004
Correctional Services	72,055	294,200	366,255
Correctional Services Agency	0	1,419	1,419
Education	88,271	53,294	141,565
Education Agency	515,484	0	515,484
Energy	110,245	0	110,245
Environment	140,019	136,243	276,262
Financial Institutions	20,226	0	20,226
Government Services	187,633	57,435	245,068
Government Services Misc*	4,101	10,698	14,799
Industry and Trade	47,367	33,918	81,285
Health	339,323	273,848	613,171
Health Agency	1,937	0	1,937
Housing	302,348	110,169	412,517
Labour	289,832	103,763	393,595
Management Board	10,108	0	10,108
Municipal Affairs	98,093	31,603	129,696
Municipal Affairs Agency	0	14,412	14,412
Natural Resources	122,954	220,112	343,066
Northern Development	97,657	83,046	180,703

Ministry	Metro	Outside Metro	Total
Office of Assembly	12,340	0	12,340
Revenue	89,818	358,768	448,586
Skills Development	59,135	34,615	93,750
Solicitor General	118,198	225,746	343,944
Tourism and Recreation	71,856	32,088	103,944
Transport and Communication	85,537	137,585	223,122
Treasury and Economics	17,708	0	17,708
Women's Directorate	3,203	1,599	4,802
Total	4,586,579	4,723,208	9,309,787

\*Misc includes first aid and health care facility, cafeterias, common areas, meeting rooms and bookstores.

#### ARTS ABROAD

**295. Mr Jackson:** Would the Minister of Culture and Communications make available a list of all organizations which received Arts Abroad grants in fiscal years 1987-88 and 1988-89? Include in the list the following information: (a) the amount of each grant; (b) the city, town or municipality where the group is located; (c) the type of artistic group represented,

ie dance, orchestra, etc; (d) the tour destination, and (e) the total annual budget for the Arts Abroad program. [Tabled 12 July 1989]

**Hon Ms Oddie Munro:** Attached is a list of organizations receiving grants from the ministry's Arts Abroad program in fiscal 1987-88 and 1988-89. The budget for the program in fiscal 1989-90 is \$675,000.

#### Arts Abroad program grants, 1988-89

<b>Music</b>		
Tafelmusik	Belgium, Portugal,	
Toronto	Holland, W. Germany,	
	Switzerland	\$30,000
The Aldeburgh Connection Concert Society		
Toronto	United Kingdom	\$2,065
Troyanda Trio		
Toronto	New Brunswick	\$1,500
Elmer Iseler Singers	Korea, Hong Kong,	
Toronto	Singapore, Taiwan	\$30,000
Patria Music Theatre Projects		
Toronto	Belgium	\$25,000
Les Amis Concerts		
Don Mills	Czechoslovakia	\$757
The Toronto Symphony		
Toronto	Yukon, NWT	\$10,000
Chamber Concerts Canada	W. Germany, Poland, France,	
Toronto	Belgium, UK, Sweden	\$3,100
Glass Orchestra	China, Japan, Taiwan,	
Toronto	Thailand, Macau, Malaysia,	
	Singapore	\$25,000
Arraymusic		
Toronto	UK, Holland, Belgium	\$8,500
Canadian Music Council		
Ottawa	Poland	\$1,100

**Arts Abroad program grants, 1988-89**

Kitchener-Waterloo Symphony Orchestra Association Kitchener	Chile, Argentina, Brazil, Uruguay, Venezuela	\$25,000
Tafelmusik Baroque Orchestra Toronto	West Germany, Spain	\$40,000
Amabile Youth Singers London	Austria, Hungary	\$5,000
The John Laing Singers Hamilton	France	\$5,000
The Renaissance Singers Kitchener	United Kingdom	\$3,000
Cantata Singers of Ottawa Ottawa	Holland	\$8,000
Toronto Children's Chorus Toronto	California, Hawaii, Australia, N. Zealand	\$5,000
Volunge Lithuanian Choral Ensemble Toronto	United Kingdom	\$1,500
Cameron Band Support Group Kitchener	United Kingdom	\$3,000
<b>Theatre</b>		
Native Earth Performing Arts Inc Toronto	United Kingdom	\$25,000
Canadian Stage Company Toronto	United Kingdom	\$18,800
Acting Company Toronto	China	\$2,500
Associated Designers of Canada Toronto	Alberta	\$2,100
De-ba-Jeh-mu-jig Theatre Group West Bay	California	\$5,000
Tarragon Theatre Toronto	United Kingdom	\$18,000
The Whole Leaf Theatre Toronto	USSR	\$18,000
Latvian Arts Trust Society Toronto	Latvian SSR	\$5,000
<b>Visual Arts</b>		
The Koffler Gallery North York	Finland	\$20,000
Professional Art Dealers Association of Canada Toronto	Illinois, California, W. Germany	\$25,000
A Space Toronto	Holland	\$1,000
Art Metropole Toronto	Japan	\$17,150
Hamilton Artists' Inc Hamilton	Australia	\$2,000



**Arts Abroad program grants, 1988-89**

Mercer Union Toronto	Japan	\$25,000
Ed Video Media Arts Centre Toronto	Holland, Belgium, Switzerland, UK, West Germany, Spain	\$20,000
Art Gallery of Ontario Toronto	W. Germany	\$54,000
Oakville Arts Council Oakville	Japan	\$2,000
<b>Dance</b>		
National Tap Dance Company Toronto	Italy	\$10,000
The National Ballet of Canada Toronto	California, New York	\$65,000
Theatre Ballet of Canada Ottawa	Illinois, Iowa, Michigan, Wisc, Tenn, Mryld, NH	\$20,000
Toronto Dance Theatre Toronto	France, Spain, Portugal, Belgium	\$35,000
MacCulloch Dancers Martintown	United Kingdom	\$3,000
<b>Literary</b>		
League of Canadian Poets Toronto	UK, Holland	\$1,000
<b>Film/Video</b>		
Public Access Toronto	United Kingdom	\$3,300
<b>Multidisciplinary</b>		
Harbourfront Corp Toronto	From Germany to Toronto	\$50,000
Festival franco-ontarien, inc Ottawa	France	\$1,500
Musicus Bortnianskii Toronto	Conn, Mass (USA)	\$5,000
ART-88-101852 Croatian Cultural Club Veseli Hrvati Tamburitzens Welland	Yugoslavia	\$2,100

**Arts Abroad program grants, 1987-88**

<b>Music</b>		
Tafelmusik Baroque Orchestra Toronto	UK, France, E. and W. Germany, Denmark	\$25,000
Les Amis Concerts Don Mills	Hungary	\$1,500
Aldeburgh Connection Concert Soc. Toronto	New York, USA	\$1,500
Opera Atelier Toronto	New York, USA	\$20,000

**Arts Abroad program grants, 1987-88**

Tapestry Music Theatre Toronto	Alberta, Canada	\$5,000
Festival franco-ontarien Ottawa	France	\$4,000
Canadian Children's Opera Chorus Toronto	Florida, USA	\$8,000
Patria Music/Theatre Projects Toronto	Yugoslavia	\$5,000
Nexus Toronto	United Kingdom	\$7,000
Festival of the Sound Parry Sound	United Kingdom	\$10,000
Festival franco-ontarien Ottawa	Louisiana, USA	\$4,000
England 87 Committee Sudbury Branch Navy League Sudbury	United Kingdom	\$3,000
Ventures Drum Corps Inc Kitchener	Washington, DC, USA	\$500
Ontario Massed Legion Pipes and Drums Meaford	UK, Holland, France, Belgium, W. Germany	\$3,000
St Mary's (Croatian) Tamburitans Sault Ste Marie	Penn, USA	\$500
Pipes and Drums of Thunder Bay Thunder Bay	California, USA	\$1,500
Cameron Band Support Group Kitchener	United Kingdom	\$3,000
Vesnivka Choir Toronto	United Kingdom	\$2,000
DNIPRO/Veselka Cultural and Education Society Sudbury	Australia	\$2,000
<b>Theatre</b>		
SAW Gallery Ottawa	New York, USA	\$500
Stratford Festival Stratford	China	\$2,700
Games of Winter Show Toronto	cross-Canada	\$20,000
Caravan Stage Society Toronto	USA	\$5,000
Ontario Multicultural Theatre Association Toronto	Mexico	\$1,500
<b>Visual Arts</b>		
Canadian Society of Painters in Watercolour Toronto	Hungary	\$500

**Arts Abroad program grants, 1987-88**

David Burnett Art Associates Ltd Toronto	United Kingdom	\$12,500
Koffler Gallery North York	BC, Canada	\$1,500
Toronto Society of Architects Toronto	France	\$33,100
Rodman Hall Arts Centre St Catharines	New York, USA	\$1,300
Print and Drawing Council of Canada Toronto	China	\$1,000
Mercer Union Gallery Toronto	West Germany	\$6,000
PADAC Art Foundation Toronto	Illinois, California, USA, W. Germany, Hong Kong	\$35,000
Grimsby Public Art Gallery Grimsby	United Kingdom	\$500
Artspace Peterborough	Hawaii, USA	\$350
Image Matrix Streetsville	Belgium	\$1,000
Grimsby Public Art Gallery Grimsby	Lithuanian SSR	\$2,500
Art Gallery of York University North York	Toronto (China/Ontario exchange)	\$3,000
Metal Arts Guild Toronto	W. Germany	\$18,000
Forest City Gallery London	Cuba	\$4,000
Canadian Bookbinders and Book Artists Guild Toronto	Halifax, Victoria	\$2,000
Toronto Photographers Workshop Toronto	Mexico	\$10,000
<b>Dance</b>		
Danceworks Toronto	France	\$1,500
Jim Sky Iroquois Dancers Ohsweken	Florida, USA	\$2,000
Desrosiers Dance Theatre Toronto	cross-Canada	\$20,000
Sherry Walsh Dance Academy- Cultural Arts Exchange Inc Sault Ste Marie	Ontario	\$1,840
<b>Literary</b>		
Federation of Canada-China Friendship Associations Toronto	China	\$1,000



### Arts Abroad program grants, 1987-88

#### Film/Video

The Funnel		
Toronto	Australia, New Zealand	\$5,000
V/Tape		
Toronto	Hungary, Finland, UK	\$5,000

#### Multidisciplinary

Italy on Stage		
Toronto	Toronto, Hamilton	\$20,000
Shastri Indo-Canadian Institute		
Calgary, Alberta	India	\$5,000

### GOVERNMENT PUBLICATIONS

**298. Mr McCague:** Would the Minister of Municipal Affairs provide a breakdown of the total cost of designing, printing and distributing the publication entitled *We're Working For You*, and in addition indicate the total number of copies produced, those individuals and groups to whom the document was distributed and by what means? [Tabled 17 July 1989]

**299. Mr McCague:** Would the Minister of Municipal Affairs provide a breakdown of the total cost of designing, printing and distributing the poster entitled *We're Working For You*, and in addition indicate the total number of copies produced, those individuals and groups to whom the poster was distributed and by what means? [Tabled 17 July 1989]

**302. Mr McCague:** Would the Minister of Municipal Affairs provide a breakdown of the total cost of designing, printing and distributing the 1989 edition of his ministry's calendar *Planning A Window to the Future*, and in addition indicate the total number of calendars produced, those individuals and groups to whom the calendar was distributed and by what means? [Tabled 17 July 1989]

**Hon Mr Sweeney:** A detailed response to the above questions is attached.

*We're Working For You* booklet. Total produced: 3,500. Cost: designing, \$2,450; printing, \$3,038; distribution, \$3,469.95; total cost, \$8,957.95. Distribution: municipalities, boards of education, selected library boards of population 10,000 and up, MPPs, additional copies sent on request. Means of distribution: distributed via Priority Post.

*We're Working For You* posters. Total produced: 20,000. Cost: designing, \$4,685; print-

ing, \$3,860; distribution, booklets and posters were mailed together; total cost, \$8,545. Distribution: municipalities, boards of education, selected library boards of population 10,000 and up, MPPs, additional copies sent on request. Means of distribution: distributed via Priority Post.

*Planning a Window to the Future* calendar. Total produced: 5,600 (4,800 in English and 800 in French). Cost: designing, \$5,052.34; printing, \$16,486.54; distribution, \$3,436.13; total cost, \$24,975.01. Distribution: all municipalities, counties, improvement districts, committees of adjustment, planning boards, conservation authorities, municipal/county planning departments, former community planning advisory branch offices (through CPAB offices, copies were provided to other ministry branches, planning consultants and others on request). Means of distribution: Purolator Courier.

### WASTE MANAGEMENT

**303. Mr Brandt:** Would the Premier table a copy of the report made to him by Steve Mahoney MPP with regard to the latter's visit to Japan with officials of Envacc Resources Inc to study waste recycling and disposal technology? [Tabled 20 July 1989]

**Hon Mr Peterson:** Attached is a copy of the report submitted to the Premier by Steven Mahoney MPP, Mississauga West, entitled *Japan Trip—Waste Management Proposal*.

Date: August 24, 1988

To: Premier D. Peterson

From: S. Mahoney MPP

Subject: Japan Trip—Waste Management Proposal.

Trip was very successful. In short, Japan has a public/private sector organization:

The Clean Japan Centre: Not a research centre; total staff 25-30; co-ordinates and organizes process development and research projects done by others in municipalities, industry and universities; it may sponsor some work financially; work on methane gas, RDF, aluminum and iron recovery, recycling, separation and other; mainly gathers and disseminates information; also educational to population; funded by private sector and federal government.

Note: A number of their projects have been closed either because they were intended as experimental or due to lack of economic viability. Because of strong yen, it is often cheaper to bring in raw materials rather than recycle.

Tokyo: Tokyo has 23 incineration plants; Yokohama City has six—it is the size of Toronto; the smoke blows out to ocean; they only burn what cannot be recycled and landfill everything else, including ash; they do not seem to care what they burn; very sophisticated separation equipment in Tokyo Dream Island; more information available (including film cassette); the concept we are interested in is in place for the most part.

Note: We need to know what is in our waste stream before we can determine what equipment we need. Must update Bird and Hall report ASAP; approximate cost \$250,000.

Much more information available, but this is the nuts and bolts.

Enclosed is Dr E. E. Berry's report which gives more information.

Suggestions for future action:

1. Update Bird and Hall, funded and co-ordinated by MOE.

2. Establish Clean Ontario Secretariat under Ministry of Municipal Affairs. Similar mandate to Clean Japan Centre. Be proactive in examining new concepts. Meet with municipalities, etc. Should have political and bureaucratic leadership.

3. Go public with concept but do not be site specific. Keep secretariat small but aggressive. Establish budget for promotions, printing and some staff.

4. Continue negotiations with consortium and open up negotiations with others as well as municipalities.

Conclusion: We would be seen as taking a bold, strong step in providing leadership for the municipal sector, although they still must solve the problem. We can create private sector incentive, educational opportunities, R and D and economic benefits out of garbage.

Personal Notes: The trip was a great success and the private sector guys are more enthused

than ever—so am I. I think we need to show some movement, but at the same time not let the municipalities off the hook. If you want to review this more, just let me know.

Sincerely,

Steven W Mahoney, MPP, Mississauga West.  
cc: H. Ezrin

Enclosed report by Dr E. E. Berry:

Visit to Japanese Solid Waste Treatment  
Organizations—Preliminary Report

Outline of main points and conclusions:

1. Japanese municipal waste management practice relies heavily on two factors that are not compatible with current practice in Ontario. These influence their approaches to resource recovery.

- (a) Most municipalities rely on extensive citizen participation in the form of household separation. Separation is into at least combustible and noncombustible fractions. Bulky waste is collected separately. Sometimes aluminum cans are separated. Batteries and fluorescent tubes are collected separately; these are sent for mercury recovery at a single plant in northern Japan (cost 80,000 yen/ton). Some commercial waste is collected with household MSW. Industrial waste is treated and disposed of by the producer.

Note: "Noncombustible" (also sometimes termed "incombustible") does not mean that the material will not burn; it means material that they do not wish to incinerate. Thus it includes plastics. This is very different from North American practice.

- (b) Incineration of the "combustible fraction" is the favoured route. Some municipalities incinerate all of the unsorted waste. In most cases incineration is combined with heat recovery, either as district heating or power generation, or both (ie, watts from waste). The whole MSW disposal process is focused on incineration. Separation is conducted to remove materials that are considered likely to produce harmful gases that would be discharged to the atmosphere, produce high temperatures in the incinerator or damage the equipment. No mention is made of harmful components in the ash. This is a very sensitive issue over which we could get no discussion. Clearly they know of the problems but are not doing anything about them. The potential for leachate problems from their incinerator ashes is very high.

2. We did not see any complete separation system using mixed MSW operating at a scale larger than about 50 tph. The Mitsui system at Dream Island separates the noncombustible,

presorted waste at a rate of 1,250 tons/day. Wastes are pulverized and then classified into: plastic film, ferrous metals, other. Plastic film is heat-treated to reduce volume, iron is sold as scrap and the remainder goes to landfill.

The EBARA system for producing compost uses mixed waste. The principal separator operates at 200 t/8-hr day with light refuse. This plant was used under Clean Japan support in Yokohama. It was not a commercial success.

3. A number of unit processes seem to be available that could be adapted and scaled up for the megasite. The following are worth more detailed engineering investigation: battery/mercury recovery; ballistic separator (Mitsubishi); aluminum separator (Takuma); Mitsui system; Takuma crusher using steam injection to reduce explosion risks; Takuma blowing separator; plastic flash heating; Mitsubishi plastic volume reduction using cold extruder; curl-lock made from PET scrap (Mitsubishi Rayon)—as yet no Canadian agent for this material; EBARA separator and RDF plant; fluidized-bed incinerator; Mitsubishi plant for bulky waste; Yokohama recycled paving plant.

4. Takuma had a wide range of recycling facilities using its equipment.

5. Kobe Steel has scrap tire pyrolysis plant and has worked with the Clean Japan Centre on recovery of polystyrene from discarded foamed PS containers. So has Mitsubishi.

6. Mitsubishi are agents for BRINI system in Japan and other Asian centres. A BRINI system is being installed in Nanaimo, BC.

7. Landfill gas is not widely collected for use in Japan because quantities are small. This is because most of the organic material that could form gas is burned. Tokyo municipality have collected gas at Dream Island where it is used for heating. They have not had problems with quality or corrosion of equipment. At most other

places it is flared if there is any substantial gas generated.

8. Clean Japan Centre: It is not a research centre with its own laboratory and technical staff; total staff is 25-30; it co-ordinates and organizes process development and research projects done by others in municipalities, industry and universities(?); it may sponsor work financially; they have done work on methane gas recovery, RDF and aluminum and iron recovery; it is mainly an information-gathering and educational centre; it is funded by industry, possibly also MITI.

A number of the projects discussed in the literature that the centre puts out have been closed, either because they were intended only as experimental or because of poor economics.

9. Research and development work is done mostly by private industry and is largely proprietary. Much of the developed technology is already licensed through large companies in the US and Canada.

10. At the moment resource recovery is at a low point in Japan because of the high value of the yen. For example, aluminum was 130,000 yen/ton when it was being recovered. New material is now 70,000 yen/ton. Pyrolysis at the 100 tpd Stardust project was said to be competitive with oil at \$36/barrel and paper pulp at 40,000 yen/ton.

#### ONTARIO PROVINCIAL POLICE

**305. Mr Runciman:** Would the Solicitor General provide by major expenditure category and administrative division the projected expenditures of the Ontario Provincial Police as set out in the 1988-89 estimates, the comparable figures for the 1988-89 year-end and the differences between these figures with an explanation of the variance? [Tabled 20 July 1989]

**Hon Mr Offer:** Attached is the response to the above-referred question in Orders and Notices.

Ontario Provincial Police (Vote 3504)	1988-89		Variance Over/(Under)	Comments
	Estimates \$000	Actual \$000	Estimates \$000	
<b>Office of the Commissioner—(Item 01)</b>				
Salaries, wages and employee benefits	1,715.8	1,734.2	18.4	Negotiated revisions to pay and benefits; and voluntary exit opportunity payments
Other direct operating expenses	297.8	295.4	(2.4)	
	2,013.6	2,029.6	16.0	



Ontario Provincial Police (Vote 3504)	1988-89		Variance Over/(Under)	Comments
	Estimates \$000	Actual \$000	Estimates \$000	
<b>Services—(Item 02)</b>				
Salaries, wages and employee benefits	15,866.4	16,415.6	549.2	Negotiated revisions to pay and benefits; and voluntary exit opportunity payments
Other direct operating expenses	46,006.9	44,204.0	(1,802.9)	Deferred equipment purchases to redirect financial resources to field operations and investigations; and managed expenditure savings as part of government-wide constraint
	<u>61,873.3</u>	<u>60,619.6</u>	<u>(1,253.7)</u>	
<b>Field Operations—(Item 03)</b>				
Salaries, wages and employee benefits	226,237.1	245,773.2	19,536.1	Negotiated revisions to pay and benefits; voluntary exit opportunity payments; increased staff for municipal policing (Tecumseh, Parry Sound, Kanata and Cardinal); and increased overtime
Other direct operating expenses	14,001.8	14,829.4	827.6	Increased operating costs for municipal policing; and increased operating costs
	<u>240,238.9</u>	<u>260,602.6</u>	<u>20,363.7</u>	
<b>Investigations—(Item 04)</b>				
Salaries, wages and employee benefits	27,421.4	28,175.5	754.1	Negotiated revisions to pay and benefits; and voluntary exit opportunity payments
Other direct operating expenses	3,713.6	3,935.9	222.3	Increased operating costs due to workload.
	<u>31,135.0</u>	<u>32,111.4</u>	<u>976.4</u>	
<b>Telecommunications project—(Item 05)</b>				
Salaries, wages and employee benefits	1,673.8	1,814.2	140.4	Negotiated revisions to pay and benefits; and increased staff for system implementation
Other direct operating expenses	240.6	627.7	387.1	Increased operations and maintenance expenditures with implementation of two districts (London and Mount Forest)
Capital expenditures	22,500.0	18,749.5	(3,750.5)	Reduced capital expenditure requirements for the year
	<u>24,414.4</u>	<u>21,191.4</u>	<u>(3,223.0)</u>	
<b>Ontario Provincial Police summary</b>				
Salaries, wages and employee benefits	272,914.5	293,912.7	20,998.2	
Other direct operating expenses	64,260.7	63,892.4	(368.3)	
Capital expenditures	22,500.0	18,749.5	(3,750.5)	
	<u>359,675.2</u>	<u>376,554.6</u>	<u>16,879.4</u>	

### AWENDA PROVINCIAL PARK

**312. Mr Cousens:** Would the Minister of Natural Resources review the status of Awenda Provincial Park and its long-term plan, which with its 6,500 acres and four beaches and limited parking for only 200 campsites and another 100 day parkers, is not meeting the needs of central Ontario residents? Would the minister also indicate how many people were turned away from the park on the 1 July weekend, and at what time the park was filled, where these people were sent who could not find parking spaces in the park, and indicate where the overflow crowds were directed to, and what would the long-term plans for future expansion of the park be defined over the next five years, indicating when additional parking places for campers will be made available and when additional parking spots will be available, and indicate the capacity of the existing four beaches, how many people are on these beaches on any given summer day, and what are the plans to increase the services at Awenda? [Tabled 25 July 1989]

**Hon Mrs McLeod:** During the fall of 1989, the ministry will construct an additional 75 parking spaces for day-use patrons. This will mean that there will be a total of 300 parking spots in place by the start of the next operating season in 1990. This new construction constitutes an accelerated development in direct response to demand for more day-use access to beaches and is within the limits outlined in the management plan.

The management plan calls for an additional 100 camping sites to be developed when the demand warrants such an undertaking.

The development priorities for Awenda, over the next five years, are as follows: provision of a comfort station for the one existing campground loop that does not currently have one; upgrading of park roads to accommodate traffic in a safe manner; provision of a visitor centre to facilitate the interpretation and heritage appreciation of park resources.

Both the length and width of each beach vary from year to year depending on the levels of the Great Lakes. At present, the four beach areas are larger than usual. The current beach sizes are as follows:

Beach	Length	Width
1	200 m	15 m
2	400 m	10 m
3	200 m	10 m
4	700 m	15 m

At Awenda, beach use is generally high, with a mix of both campers and day-users. However, no specific head counts are taken. Beach use varies dramatically from day to day depending on whether it is a long summer weekend and the weather conditions at the time. On a very high-use day, there can be in the neighbourhood of 750-plus people using the four beaches during parts of the morning and afternoon.

There were still 30 campsites available on Thursday 29 June. However, by Friday 30 June, the campsites at Awenda were full to capacity. There were applicants for approximately 100 campsites who were turned away. They were directed to other parks in the area, mostly private campgrounds.

Day-users are turned away once the parking reaches capacity. These people were directed to other public beaches in the area.

This year, the 1 July weekend brought the heaviest use to the Georgian Bay area that has been observed in the last 10 years.

In addition, most provincial parks are normally filled to capacity on long summer weekends.

By 1 August, the day-use availability at Awenda had been filled to capacity only twice, on 2 and 23 July. However, the available campsites had been fully occupied on several occasions: 30 June, 1, 2, 7, 8, 14, 15, 21, 22, 25, 28 and 29 July.

To keep things in perspective, it should be remembered that, of the 200 campsites at Awenda, the average occupancy for July and August was 76 per cent in 1987 and 81 per cent in 1988.

### RESPONSES TO PETITIONS

#### NATUROPATHY

Sessional paper P-1, re naturopathy.

**Hon Mrs Caplan:** The final recommendations of the health professions legislation review were tabled in the Legislature on 26 January 1989. In its final recommendations, the review continued to recommend that the profession of naturopathy not be statutorily self-governing. Naturopaths would remain able to practise without specific legislation, but the profession has indicated that the type of practice would be altered.

The Ministry of Health has circulated the HPLR's final recommendations to professional governing bodies and other interested parties and is itself assessing the recommendations and their implications. I continue to meet with those groups most affected by the review and its recommendations prior to introducing legisla-

tion. To date more than 20 groups have met with me, and I expect to have heard the major concerns of more than 50 groups by early autumn. The board of directors of Drugless Therapy-Naturopathy and the Ontario Naturopathic Association met with me on 4 July 1989. They were assured that their views and concerns would be taken into account during the process of implementing HPLR proposals.

### TEACHERS' SUPERANNUATION

Sessional paper P-2, re Teachers' Superannuation Act.

**Hon Mr Conway:** The issue of providing a pension based on a "best five" years' service to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan.

Studies have shown that a "best five" recalculation would have considerable cost implications for the teachers' pension funds. Studies have also indicated that such a measure would not provide significant improvements for those who retired prior to 1976 and did not benefit from improved salary conditions and inflation protection.

In 1985 this issue was referred to the Public Sector Pensions Advisory Board, which reviewed the matter and recommended against such a change. Following these recommendations, the government decided that the most effective use of limited resources would be to augment low pensions with an ad hoc increase for teachers who retired prior to 1976. This improvement was implemented in 1987 and has been paid for entirely by the government.

### WORKERS' COMPENSATION

Sessional paper P-7, re workers' compensation.

**Hon Mr Phillips:** Bill 162, An Act to amend the Workers' Compensation Act, 1989, which received third reading on 24 July 1989, will result in significant improvements in the Ontario workers' compensation system.

Bill 162, as adopted by the Legislature, was designed to deal with two of the system's most vexing problems: first, that it does not respond as fairly as it should to the economic needs of permanently injured workers and, second, that it does not respond as effectively as it should to their rehabilitation needs.

The bill provides for a new dual award approach to compensating injured workers for the impact of a permanent disability resulting from a workplace accident. Workers injured in the future will be compensated for the economic

loss they experience as a result of a workplace injury and the non-economic losses associated with permanent injuries.

The non-economic loss award component of this dual award system will continue for the worker's life if taken as a pension rather than a lump sum payment.

The earnings loss award will continue until the worker reaches the age of 65, at which point it will be replaced by a retirement pension. This pension is based on 10 per cent of the value of the earnings loss award.

The two-track approach to workers' compensation proposed in Bill 162 will bring fairness and certainty to the system.

This system will award benefits based on the injured worker's lost earning capacity, which is a significant step forward and away from the old system which awarded benefits based on the degree of impairment. This new approach to tying compensation much more closely to economic losses will mean that compensation benefits adequately reflect the real impact of the injury.

In addition, the bill makes provision for supplementary benefits for those current recipients of permanent disability awards who are not being compensated adequately.

The importance of early vocational rehabilitation intervention, as recommended by the Minna-Majesky task force report, is explicitly recognized by Bill 162. Therefore, the bill contains vocational rehabilitation provisions with very clear time lines written into the legislation. For example, Bill 162 requires the WCB to contact a worker who has not returned to work within 45 days of the accident in order to identify the worker's need for vocational rehabilitation services.

The WCB is also required under Bill 162 to provide an injured worker with a vocational rehabilitation assessment if he/she has not returned to work within six months of the accident. The WCB will determine within 30 days of receiving the assessment results whether or not a vocational rehabilitation program is needed by the injured worker.

In order to facilitate the reintegration of an injured worker back into the workforce, Bill 162 places an obligation upon employers to reinstate injured workers into their pre-accident jobs or one which is comparable.

Furthermore, the bill incorporates a similar duty upon employers to accommodate an injured worker as is set out in the Ontario Human Rights Code. This new duty will require employers to



modify the work or the workplace in order to accommodate the worker so long as it does not place an undue hardship on the employer.

Bill 162 sets out the regulatory powers of the WCB in a number of areas.

The regulations established under the Workers' Compensation Act are proposed by the WCB for consideration and approval by cabinet. These regulations must flow from the intent of the act and can in no way be used to undermine the principles and objectives of this legislation.

#### WASTE DISPOSAL

Sessional paper P-12, re garbage dumps in Durham.

**Hon Mr Bradley:** On 14 March 1989, the five regional chairmen of the greater Toronto area announced a proposal for waste management in the GTA.

The long-term waste management system to be developed for the greater Toronto area will be subject to the requirements of the Environmental Assessment Act. Furthermore, the system will include a range of 3R initiatives (reduction, re-use and recycling) to conserve resources and to minimize the amount of waste requiring disposal. The five regional chairmen are responsible for selecting contingency sites. Durham region has selected site P1 as a possible contingency site.

In order to expedite the provision of contingency landfill capacity, the province has agreed to assess contingency sites under part V of the Environmental Protection Act, which includes a hearing before the Environmental Assessment Board.

#### ANIMALS FOR RESEARCH

Sessional paper P-17, re animals in product testing.

**Hon Mr Ramsay:** The wording in the petition implies that testing of cosmetics and household products causes death and suffering to thousands of animals in Ontario each year. In fact, only small numbers of animals are used for the eye irritancy tests, and anaesthetics are used if there is any indication of significant tissue damage. Less than 2,000 mammals are used for other tests, and the vast majority of these are not adversely affected by the procedure.

All research and animal testing facilities, except those operated by the government of Canada, are regulated under the Animals for Research Act, which is the most comprehensive animal care legislation in Canada. Unannounced inspections of all facilities are made by ministry

veterinarians to ensure that there is no unnecessary pain and that animals are properly used and cared for.

Federal government regulations require manufacturers of consumer products to ensure that products being sold are safe when used as directed. For several products, this requirement can only be met by using animals. The nonanimal alternatives have not been accepted as reliable in Canada or any other country which is a signatory to the Organization for Economic Co-operation and Development. Nonanimal alternatives are being used to reduce the number of animals required for tests. However, some animals are still required for the protection of the public. More research is necessary to develop alternatives which are reliable. When these nonanimal alternatives have been validated and accepted by regulatory agencies and legal authorities, I will not hesitate to ban the use of animals for these specific tests.

#### SECURITY IN PREMISES USED BY PUBLIC

Sessional paper P-18, re Trespass to Property Act.

**Hon Mr Scott:** The existing legislation permits the arbitrary eviction and exclusion of individuals from property to which the public is generally invited. It does not provide equal and fair protection for individuals, despite the applicability of the Human Rights Code.

Bill 149 would provide protection very similar to the existing law to business people while eliminating the unfairness of that law. Bill 149 would only require that people required to leave publicly used property be given the reason for being excluded. Actions that are incompatible with the public's use of the premises and actions that breach the occupier's reasonable rules are both a good basis for exclusion. Anyone who behaves improperly can be charged immediately. People could be banned for 30 days each time they misbehave. The ban would be effective even though the banned person objects.

Good managers of publicly used government and private property already realize that the arbitrary exercise of power against individuals is no longer acceptable. Bill 149 will require all managers to be fair. It will still ensure that property owners and retailers can provide a pleasant, safe shopping environment.

#### CHOICE OF HEALTH CARE

Sessional paper P-21, re health care access.

**Hon Mrs Caplan:** On 17 April 1984, the Canada Health Act received royal assent and

became effective retroactively to 1 April 1984. The act sets out the program criteria and conditions of payment for the cash portion of the federal contributions made to the provinces for insured services and payments made to the provinces for extended health care services under the established programs financing arrangement.

The Canada Health Act reflects the five basic principles that provinces must follow in order to obtain full health care funding: universal coverage of the population, a comprehensive range of services, portability of benefits from province to province, public administration of the health insurance plans and access to insured services without financial barriers.

Ontario supports the application of general principles for health care delivery on a national basis. Universal access to a high-quality health system for all residents in Ontario is a major priority of the Ontario government.

Ontario has developed a highly accessible health system which has contributed both to the improved health status of Ontarians and to their overall quality of life. With respect to the Canada Health Act, Ontario meets or exceeds the requirements of the Canada Health Act. In regard to accessibility, Ontario has always accepted the principle of accessibility of health services for everyone; there are no distinctions based on age, sex, financial or health status in the terms or conditions for receiving health services.

Ontario now provides access to many insured health care programs which have never been considered in the determination of federal government support. Historically, mental health services, including the operation of provincial psychiatric hospitals, community programs and other institutional mental health services have been financed entirely out of provincial revenues. Similarly, Ontario financially supports ambulance services, the drug benefit plan for the elderly and services of health care practitioners outside hospitals which have never entered into the formula for the determination of federal transfers.

Under the Canada Health Act, provinces are permitted to designate which of the services, if any, of other health care practitioners they choose to designate as insured services. Consequently, any level of such services insured by a province will fully satisfy the criterion.

OHIP covers, with some limitations, the services of special physiotherapy clinics, chiropractors, osteopaths, chiroprodists and optometrists.

Over time, the government has extended the coverage required under the Canada Health Act

as circumstances have allowed. Further extensions are considered in the context of need, priority, effectiveness and available resources.

### BABY-SITTING SERVICE

Sessional paper P-22, re baby-sitting in Lennox and Addington.

**Hon Mr Ward:** The ministries of Education and Community and Social Services work together for the provision of child care in Ontario. The Ministry of Education provides funding for child care capital costs in all new schools, and the Ministry of Community and Social Services provides program funding for approved child care programs.

These jurisdictional distinctions are in fact important because they allow government to ensure that public funds are allocated only for licensed and approved child care programs. The standards involved in child care licensing are designed to ensure child safety and also help organizations operating child care programs to provide a sound early childhood education. The government's preference for licensed child care, rather than informal baby-sitting, is based on a responsibility to assure that publicly funded child care services are both safe and of acceptable quality.

It is also important to note that if school boards were permitted to provide or purchase unlicensed child care or baby-sitting services, their liability would be extensive should anything untoward occur in the program, particularly with regard to the safety of the young child involved.

### ACADEMIC CURRICULUM

Sessional paper P-24, re evolutionism and creationism.

**Hon Mr Conway:** Ministry of Education policy stresses that the function of teaching is to help students develop critical thinking skills.

Methods of dealing with controversial and critical issues are described in individual subject guidelines. The theory of evolution is considered to be a significant and pervasive theory in biology and, as such, it is a compulsory core unit in the senior biology program. The historical development of theory within the context of society is also a topic for discussion in both biology and history programs. It is conceivable that issues such as creation would be taught in a science or history classroom. However, the reason for doing so would be to compare scientific and religious ways of explaining phenomena. It would be a pedagogical vehicle



for helping students to understand one world view by comparing another.

The new curriculum guidelines encourage teachers to deal with sensitive issues when appropriate, and they state principles governing the treatment of such issues in the classroom. Reaction to these principles by members of the educational community in Ontario has been very positive.

### ADOPTION

Sessional paper P-25, re adoption fees.

**Hon Mr Beer:** First, this petition implies that adoptive parents must carry the burden of the costs involved in adoptions.

Adoption in Ontario is governed by the Child and Family Services Act and its regulations. CFSA ensures that Ontario residents have a choice between working with a children's aid society, whose services are free, or with an individual or agency licensed to place children in the private adoption system. CFSA stipulates that only a society or a licensee approved to place children for private adoption may place a child for the purpose of adoption.

A children's aid society is responsible for the adoption planning of children in its care who are legally free for adoption or children whose birth parents have requested the society's assistance in planning for their child's adoption. My ministry recognizes that the limited number of children available for adoption, combined with the limited number of society staff available to do home studies, may result in a considerable wait before a society can offer service to applicants wishing to adopt a child. For this reason, many applicants decide to pursue an adoption through the private system, which is perceived to have shorter waiting periods.

Adoptive applicants may pursue an adoption through an individual nonprofit agency licensed to place children for private adoption. Although the applications are required to bear the costs of this process, private adoption is closely monitored by staff of the ministry's adoption unit.

Private adoption licensees can only charge expenses prescribed under CFSA, which include expenses arising from the following items: the adoption home study of prospective adoptive parents; the preparation of social and medical histories of the parents of the child to be adopted; residential care for a child waiting for adoption placement; counselling services for a person who is a parent within the meaning referred to in subsection 13(1) of CFSA regarding the parent's decision to relinquish the child; transportation

relating to the placement of the child; supervision relating to the placement of the child; supervision of the adoption placement; administration of the adoption; post-adoption services, after legal completion of the adoption, that are considered by a director as being necessary to ensure the success of the adoption; and any other expenses that, in the opinion of the director, are necessary to ensure the success of the adoption.

Except for prescribed expenses, a payment gift or reward of any kind is not permitted. Contravention of the legislation may result in a fine or a term of imprisonment or both.

The ministry does not govern the amount of the fees charged by licensees or social workers approved to do private adoption home studies. Since agreement on the fees is essentially a contractual arrangement between the practitioner and the client, the ministry has no jurisdiction in this area.

Second, the petition implies that all fees involved in an adoption are based solely on the adoptive parents' income.

The ministry is unaware of any practice in which the cost of private adoption fees is based on the income of the adoptive applicants. Staff of the ministry's adoption unit suggest that adoptive applicants canvass private practitioners in their area to ascertain the relative reasonableness of fees being charged.

Third, the petition implies that the existing adoption system is evolving into a black market system.

Ontario has always offered its residents the option of choosing to adopt a child through the public system (children's aid societies) or through the private system, which has been licensed since 1978. The ministry is committed to monitoring and upholding professional and ethical standards of practice in the private adoption system and will pursue any infractions if documented and brought to our attention. To date, the ministry is not aware of the black market practices with respect to the adoption of children.

### HIGHWAY CONSTRUCTION

Sessional paper P-26, re Highways 638 and 561 upgrade.

**Hon Mr Wrye:** Highway 561 has recently been renumbered Highway 638, but for the purposes of this response we will use the old highway number.

The southerly portion of Highway 561 from Bruce Mines to Rydal Bank has been investigated by our regional geotechnical section. Their



recommendations include: improve drainage, increase granular depths, treat frost heaves and provide a new riding surface. A project for this work will be added to the five-year capital construction plan.

The remaining section of Highway 561 northerly to Ophir has a gravel surface and is being maintained by district staff on a regular basis. A contract for the reconstruction of this section is scheduled for award late next year.

Highway 638 from Highway 561 westerly 3.7 kilometres was surface treated in 1986. However, the horizontal and vertical alignments are substandard and require upgrading. A project for reconstruction of this road section is included in the latter part of the five-year capital construction plan.

At the westerly end, Highway 638, from 1.7 kilometres east of Highway 17, Echo Bay, easterly 11.7 kilometres will be surface treated this summer to improve the surface conditions.

The remaining section of Highway 638 has been surface treated over the last few years and is in relatively good condition.

#### SALE OF CIGARETTES TO MINORS

Sessional paper P-29, re tobacco sales to minors.

**Hon Mr Scott:** Use of tobacco by young people is a complex social problem for which there are no simple legal answers. A number of ministries of the government are working together to develop an appropriate response to this growing problem.

Under the Ontario Minors' Protection Act it is against the law not only to sell cigarettes but also to give them to a child under 18 years of age. The quantum of the penalty is less significant than the frequency with which charges are laid. None the less, it is under review at this time.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

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 Lipsett, Ron (Grey L)  
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**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
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 McGuinty, Dalton J. (Ottawa South L)  
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**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

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Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

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O'Neill, Yvonne (Ottawa-Rideau L)

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Roberts, Marietta L. D. (Elgin L)

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**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

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**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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No. 53

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Tuesday 17 October 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 17 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### NATIONAL HOMEMAKER/ HOME SUPPORT WORKER WEEK

**Mr Allen:** This is visiting homemakers week. We on this side of the House hope the government will recognize the service of more than 6,000 visiting homemakers in Ontario by announcing that they will be paid a decent living wage. Visiting homemakers provide emotional support, practical help and personal care to elderly and disabled persons who might otherwise have to go into nursing homes.

Two years ago, one of the government's own interministerial committees recognized that homemakers had to work in isolation with only about 15 minutes each week of supervision on the telephone. They had to make decisions and act independently. The report confirmed that the human relations skill and responsibility of the job are not always recognized. In addition to low wages, averaging \$5.25 an hour, the vast majority of homemakers received no or few benefits, are not paid for travel time and often not even for travel costs.

In 1987, one month after the Premier (Mr Peterson) referred to the integrated homemakers program as the "cornerstone" of the government's community services strategy, the government capped the program and cut back on the number of hours allowed for each visit. Now homemakers spend too much time going from case to case and people in their homes are getting less care, often only three hours a week—hardly enough to make the difference to keep someone from going to an institution.

A recent small funding increase addressed neither inflation losses nor benefits and may not put a penny into the pockets of many homemakers. Long-term service remains entirely obscure. In short, the Liberal government is trying to take credit for an alternative health delivery program the community agencies have to deliver without funds to make it really succeed.

## MEMBERS' ANNIVERSARIES

**Mr McCague:** Seldom in this House do we talk about happy occasions or do we congratulate

some of the members of this Legislature. However, today I would like to take just a moment to bring to the attention of the House, Mr Speaker, that you have been here for 22 years today. That is a long time and in a political life some people would say it is too long. However, I do not happen to agree with that.

Along with you celebrating 22 years is the member for Niagara South (Mr Haggerty). I would also like to point out that the member for Nickel Belt (Mr Laughren) and the member for Lanark-Renfrew (Mr Wiseman) will, on Friday of this week, have been here for 19 years, I guess it is. Is it 19? Where is the member for Nickel Belt?

**Mr Villeneuve:** It is 18.

**Mr McCague:** It is 18 years. I just wanted to bring that to the attention of the House and to say that all of those people have served their constituents well over long periods of time. We wish them well. We are all here to help them out. Mr Speaker, many happy returns.

## LAND-RELATED INFORMATION SYSTEMS

**Mr Tatham:** Information is the resource of the 1990s. Ontario is a world leader in land-related information systems and technology. Oxford county has received an international award for exemplary government systems from the Urban and Regional Information Systems Association of Los Angeles. This award was only possible with the help of provincial ministries such as the Ministry of Natural Resources, the Ministry of Consumer and Commercial Relations and the Ministry of Revenue.

These ministries had the foresight to begin to co-ordinate provincial geographic data and initiate municipal applications like Oxford to utilize the provincial resources. Words are one thing; sales results are another. Oxford has demonstrated its LRIS to delegations from Qatar, Nigeria and Japan, resulting in contracts for mapping and consulting worth millions of dollars for Ontario companies.

Our Ontario government must continue to give leadership to ensure that we stay on the leading edge of the advances and the technology of geographic information systems. The govern-



ment should maintain a co-ordinating role providing standards and integration among the Ontario ministries, as well as continuing to give leadership in the development of municipal applications of this technology.

#### WORKERS' COMPENSATION

**Miss Martel:** Last week I advised this House that the Workers' Compensation Board had released a discussion paper on several proposed regulations related to Bill 162 and at the time I condemned the definitions of "suitable" and "available," which the board proposes to use.

The proposal for integration of CPP and Quebec pension plan benefits with WCB benefits is equally reprehensible. The New Democratic Party and labour have always argued that these benefits should not be integrated at all. Workers pay into CPP and should receive full benefits when disabled. The board has traditionally deducted CPP payments from a worker's average earnings and then set the two week compensation rate. High wage earners have not been affected and have received both benefits.

Now the board is using its influence with regulations to change all that and reduce benefits. CPP will be deducted after the compensation rate is set, so high and low wage earners will be penalized together. The board is trying to justify its position by saying that the wording in Bill 162 instructs them to change the present system.

That is an out-and-out lie. The board has also said the present formula is not fair since high earners, who did not have CPP deducted, should have been paying at that time. So the answer is to spread the poverty and misery around by making sure high and low wage earners have their benefits reduced.

The WCB cannot be trusted, but neither can a Liberal government that gave the WCB this kind of power. It is high time this process was stopped and a bipartite committee of labour and employers was established so they can develop the regulations together.

#### ASSISTANCE TO FARMERS

**Mr Villeneuve:** My statement is on behalf of all those involved in agriculture in the province of Ontario and is addressed to the Minister of Agriculture and Food (Mr Ramsay).

First, let's make one fact known beyond the shadow of a doubt. The Ministry of Agriculture and Food budgeted \$579 million in 1988-89. The actual expenditures were \$522 million, a difference of almost \$57 million budgeted for agriculture but which in actual fact went to other

ministries. This is in spite of a rather serious drought in 1988, where the province of Ontario provided no support to cash-crop fruit and vegetable growers.

Our pork and beef producers in Ontario are going through some of the most difficult times experienced in some years. Low return and high interest rates are forcing many producers to look for off-farm income. But I ask the minister, in all sincerity, what has he done other than to pay lipservice and build up anticipation for the agricultural community?

I would state but a few things which the minister and his predecessor are on the record as doing lately. He has eliminated the Ontario family farm interest rate reduction program. He is methodically eroding and dismantling the farm tax rebate program. He has eliminated any financial support program oriented towards financial assistance to beginning farmers. He has steadfastly refused to support cash-crop fruit and vegetable growers with provincial assistance during a serious drought in 1988. He has rendered the farm tax rebate program a means test and one that the farmers do not want.

**The Speaker:** The member's time has expired.

**Mr Villeneuve:** Mr Speaker, I could go on and on. We need real help.

#### DRUG ABUSE

**Mr Reyecraft:** One has only to watch a typical newscast to know that we are at a time in our history when forces all around the world are mobilizing against a serious social problem, that of widespread drug abuse. Drug abuse, along with drug dealing, is a social cancer that knows no geographical boundaries and those of us in southern Ontario may have a special cause for concern right now. As American cities are becoming flooded with crack and cocaine, some experts are predicting that U.S. drug dealers will look towards Canadian cities, such as Toronto, Windsor and London, as fresh territory.

In this challenging climate I would like to draw the attention of the House to one of the innovative ways some students in this province are doing their part to combat this problem. A group of enterprising and caring students at H. B. Beal Secondary School in London has produced a hard-hitting film that chronicles the harrowing tales of several students who become involved with drugs and eventually meet their demise.

This 47-minute film, called *Addict*, has received many accolades and requests for copies have come from schools as far away as Vancou-

ver and Winnipeg. I would recommend this video and others like it to the minister responsible for the provincial anti-drug strategy and indeed to all members of this House. Addict has the potential to become an effective tool in drug education programs across this province. It is a film that every student should see.

### 1340

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr Charlton:** I have a statement that I would like to direct to both the Minister of Labour (Mr Phillips) and to the Minister of Energy (Mrs McLeod) because it deals with occupational health and safety concerns in Ontario Hydro's Lakeview generating plant in Etobicoke.

The ministers will be aware that there is a major reconstruction project going on in that facility. The facility, at the start of this project, was loaded with dust that contained a number of hazardous substances, primary among them asbestos fibres. The minister should try to find out why it was that the workers were not informed of the hazard before the outside workers began working in the plant, why they were not instructed on proper procedures in terms of dealing with and handling the materials in question, why the ministries' air sampling in the plant dealt with a passive air sample when the conditions were far different than those conditions when the actual construction work is going on.

The ministers will be aware that a major \$1.4-billion retrofit program in Lakeview disturbs and, more than disturbs, stirs up the kind of dust fibre that we are talking about and leaves the workers at risk and the only way in which the Occupational Health and Safety Act can be appropriately applied in a case like this is to have testing and sampling done under actual work conditions.

#### NATIONAL HOMEMAKER/ HOME SUPPORT WORKER WEEK

**Mrs Cunningham:** This week, 16 to 21 October, is homemaker appreciation week across the province and across Canada. Homemakers are the unsung heroines of our health care system. They toil in relative obscurity. The workload is heavy, the hours are long and the pay less than adequate. Yet, without them, our hospitals and long-term care institutions would be in far worse shape than at present.

Homemaker services are an essential part of our health care system. Thousands of seniors, disabled and the chronically ill people are able to

stay in their familiar surroundings because homemakers are available to provide help. The services save the government millions of dollars each year by keeping people out of institutions. An acute care hospital bed costs well over \$300 a day. A chronic care bed costs over \$200 a day. In comparison, homemaker services average \$10 to \$15 a day, while comprehensive home care is \$40 to \$50 a day. The figures speak for themselves. Home care is a real bargain, as well as being socially more acceptable.

The Minister of Health (Mrs Caplan) has stated that we need more community-based health care. Homemaker services are already established in communities across the province. They provide an essential service and should be expanded, not subjected to miserly penny-pinching by this government.

This week, homemaker service agencies are publicizing their work across this country. We should be supporting them.

**The Speaker:** Thank you.

#### DRUG ABUSE

**Mr Ruprecht:** Tonight, the parent-teacher association at Parkdale Collegiate Institute will meet to discuss illegal drug use. Tomorrow, the Bloor-Lansdowne Committee Against Drugs will be meeting at Bloor Collegiate and last Saturday our community organized a walk against drug abuse. This Saturday, an organization called Communities Against Drug Abuse will sponsor a forum against drug abuse.

These activities confirm a community grass-roots cry for help. These communities are in need and are requesting our leadership. Some neighbourhoods are in fact so severely affected by illegal drug use that they see their sons destroyed and their daughters turned into prostitutes to pay for their drug habits.

The minister responsible for the provincial anti-drug strategy (Mr Black) produced an excellent report in 1988. Now many of the people and agencies involved in the anti-drug fight are waiting patiently for implementations, such as that all boards of education in Ontario "develop and implement comprehensive drug education policies and programs dealing with core curriculum." It continues, "that additional funding be provided to the OPP to increase the complement of the drug enforcement section by 32 members and four support staff."

There are many, of course, great recommendations in this report and that is why we cannot afford to let our citizens down. We cannot afford



to be accused that we fiddling while many of our children and young people experience burnouts.

## STATEMENTS BY THE MINISTRY

### TORONTO WATERFRONT

**Hon Mr Sweeney:** This morning, the Premier (Mr Peterson) made a historic announcement concerning our waterfront.

Our government is taking several important steps to ensure the preservation, protection and responsible use of the waterfront from Bowmanville to Burlington.

We believe that the intelligent use of this natural environment is critical to the quality of life for the five million people who will be living here early in the next century.

The government is taking four specific measures to achieve our goals for the waterfront.

We will ensure that nothing is done to diminish our options while we take stock of them. To accomplish that, we have declared a provincial interest, as provided for under the Planning Act, in the lands along the core of the Toronto waterfront. That is the area from Lake Shore Boulevard south to the lake and the harbour, and from Yonge Street east to Ashbridges Bay and Coatsworth Cut. This includes all of the associated waterlots. Tommy Thompson Park, as members know, is already the subject of an environmental assessment.

We will use the powers under the Planning Act to maintain our options for a comprehensive waterfront strategy.

This declaration of provincial interest means there will be no major development of this area until we have determined what is appropriate for the people and for the environment.

Second, we will work with others who want the waterfront to be a place for people. Through an order in council released today the province of Ontario has mandated the Crombie commission to report to us on waterfront issues that are relevant to our jurisdiction along the western basin of Lake Ontario.

The province has set a long-term goal of achieving continuous public access to the waterfront from Bowmanville to Burlington. We look forward to the Crombie commission's recommendations on how to accomplish just that.

Third, since the future of our waterfront goes beyond the lakeshore, we intend to protect the sources of water and the river valleys that feed into the lake. We are asking the Crombie commission to make recommendations on how to link and integrate the waterfront to the upstream watersheds throughout the greater

Toronto area and how best to finance this endeavour.

As well, the Premier has asked the member for St Andrew-St Patrick (Mr Kanter) to identify ways and means of protecting in perpetuity the headwaters, river valleys, source areas and the Oak Ridges Moraine reservoir that feed the waterfront. This effort will be part of a greening strategy for the entire greater Toronto area.

Finally, we will review where we stand now and invite other governments to join us. We will pool our provincial lands on the waterfront with lands of the Toronto Harbour Commissioners. This will allow for an environmental evaluation of the most appropriate long-term uses of this land. We are inviting the city of Toronto and Metro to join us. I have already had an opportunity to approach both Mayor Eggleton and Chairman Tonks about their participation in this project.

These are some of the measures this government is taking to ensure our waterfront is a source of enjoyment for many generations to come.

### USE OF FRENCH IN COURTS

**Hon Mr Scott:** Later this afternoon, I will be introducing an act to amend the Courts of Justice Act. This bill makes several changes to the legislative provisions that give French-speaking persons in Ontario the right to a bilingual judge in civil proceedings.

First, the bill provides that the right to a bilingual trial judge is available in all courts and in all parts of the province. Although this is not a change in the law, it does provide a statutory guarantee for many areas of the province where the right now depends on regulations.

Second, the bill will extend the right to a bilingual judge to cover pretrial hearings, including the hearings of motions.

Third, the bill will permit French-speaking litigants to file pleadings and other documents in French in eight counties and districts. My ministry will proceed on a step-by-step basis to expand these services to other areas of the province.

These amendments are in response to suggestions over a number of years by l'Association des juristes d'expression française de l'Ontario. The council of the Canadian Bar Association's Ontario branch has also recommended the changes contained in this legislation. I believe that the bill represents another important demonstration of our government's commitment to the use of French in Ontario courts and I know it will



be received in that spirit by all members of the Legislature.

Mr Speaker, if you will permit, I would draw the attention of the Legislature to the presence of John Richard, the president of AJEFO, in the gallery today.

1350

## RESPONSES

### TORONTO WATERFRONT

**Mrs Grier:** I was present this morning when the Premier (Mr Peterson), the Minister of the Environment (Mr Bradley) and the Minister of Municipal Affairs (Mr Sweeney) made their announcement about the waterfront, and it was certainly a very interesting announcement.

Those of us who have been concerned about the future of the Toronto waterfront certainly welcome the Premier's comment that, I think he said, nothing taller than a toolshed would be built without provincial approval. That is something I have been saying for a long time, and I am sure that Mr Muzzo and other major developers on the Etobicoke waterfront will welcome that statement by the Premier as well.

The statement we have from the Minister of Housing today repeats what was said this morning, and I welcome this evidence of co-operation between the federal and the provincial governments and the expansion of Mr Crombie's mandate.

However, there are a couple of glaring omissions from the statement. The primary area of federal-provincial co-operation on the waterfront is in the preparation of remedial action plans as areas of concern have been instructed to do by the International Joint Commission, and I think it is significant that nowhere in the announcement is there any mention of the Metropolitan Toronto remedial action plan or the lack thereof.

The other glaring inconsistency, of course, is that the area where a provincial interest is being declared is quite small. The area that the member for St Andrew-St Patrick (Mr Kanter) is going to be looking at is the whole greater Toronto area's waterfront, but the provincial interest is only in the area east of Yonge Street. A cynic could say that that is the area where perhaps we are going to have an Olympic site or a trade fair and that the areas for the condominiums that have already been built and are proposed in Scarborough and Etobicoke are not of as great provincial interest.

The other glaring omission is any mention of the Environmental Assessment Act. In fact, if you read the announcement this morning, in

conjunction with the document that has been known as Project X, you see that perhaps this morning's announcement is right in line with the planning drift of this government, which is to eliminate all reference to the Environmental Assessment Act.

I welcome their interest in the waterfront. I regret their lack of commitment to real environmental assessment.

### USE OF FRENCH IN COURTS

**Mr Kormos:** On behalf of the opposition, I can commend the Attorney General (Mr Scott) for the proposition contained in his statement today. We certainly welcome indeed the expansion of access to bilingual services in the course of trials and the availability of bilingual judges to French-speaking litigants.

Similarly, and obviously corresponding with that, there is the need to permit the filing of various papers and documents in the French language. At the same time, though, this raises for many persons the prospect and certainly the fear that this is going to entail increased expense to themselves. That is to say, in the instance of a party to litigation who is not a francophone but who is faced with a corresponding litigant who files French-language documents, as is and should be that litigant's right, there is the fear of costs that would have normally been incurred, for instance, the cost of translation. It is a double-edged sword because French-speaking litigants as well, when confronted with English-speaking co-litigants, are faced with similar difficulties.

Surely, this ministry along with other ministries who, for instance, have introduced French-language services to the land registry system would want to make available to parties translation services to eliminate the concern about increased cost and to make the whole process more acceptable to persons of both languages here in the province.

Similarly, while it is certainly a welcome step, one cannot help but remind the Attorney General of the need not only for this type of progress, but also of other impediments to access to courtrooms that are so glaring and obvious in the province. One of the most obvious is simply the availability of court space. Many jurisdictions across Ontario are making do with what can be spoken of as no more than makeshift courtroom facilities. The Attorney General has what is often referred to as a short list of jurisdictions which are deserving of new facilities. Yet they have not seen the plans.

Those of us from Welland-Thorold who are among those making do with what amounts to makeshift are eagerly awaiting along with many other jurisdictions action from the Attorney General in that regard. We thank the Attorney General for what I understand is a commitment today on his part to initiate some action in that regard.

#### TORONTO WATERFRONT

**Mr Cousens:** I would like to begin by complimenting the government for joining the David Crombie parade. We have a leader who is taking us in the direction that the people really want to go. There is not any doubt that we have to do something together to protect the waterfront and the whole area in the downtown part of Toronto as it relates to the lake and the beautiful surroundings we have.

When we have a pied piper who is taking us down the right road, it is rather smart, it is rather easy in fact, for the government to do something that it should have been doing a little earlier. But Mr Crombie, as the commissioner, has submitted a report and the cabinet has read and endorsed it, and I see this as a positive step.

If only the government could do this on more issues, where it would have a federal and provincial working together on issues. The goods and services tax is a singular example where the federal government is doing something on sales tax. If they were working with the provinces, there would be an example of co-operation that in a federal government setup—we have such a lot of governments, municipal, provincial, regional and federal, but there is not the working together that we should have in this country.

If we could begin to have this as an example of working together and apply it to other things such as the Rouge Valley, where the federal government has made \$10 million available and the province has not yet made a decision to make this a national park; if we could do something to clean up the Great Lakes, where we could make the kind of commitment we need to make the lakes and river systems as they should be; if we could do something about storm water management and accept the fact that there has got to be a lot done between the province and municipalities to make sure that what is going into the lakes is well understood—I know that it is a worthwhile step and endorse the fact that the government is making this initiative.

I compliment the member for St Andrew-St Patrick (Mr Kanter) for finally having a job in the Peterson government. He has been a lonely boy,

when everyone else has been appointed to cabinet, and now he has a chance to write a report. If he does well, he will be like the member for Muskoka-Georgian Bay (Mr Black) and might get into the cabinet. If his report has a few spelling mistakes, though, he might find that he has to go and wait a little longer. Good luck to the member for St Andrew-St Patrick. We are all pulling for him. I hope they read his report. Everyone else around there who has written anything is lucky to get it read.

This afternoon I will have the grand opportunity, one of the first we have had in a long time, in estimates in the Ontario Legislature, to have a chance to ask the Minister of Municipal Affairs (Mr Sweeney) a question about the water development program as it relates to his announcement, because already his ministry is spending \$286,000 for three classified staff, giving each an average salary of \$89,300.

I am wondering whether or not he is in a position, by taking advantage of Mr Crombie's leadership, to be able to get rid of some of the people he has working on waterfront development now. It has taken them a year and a half to come up with the recommendation he is making today. Why does he not start looking at the economy of what he is doing? If I were in private business and had \$286,000 for people who just came up with this recommendation, I would be a very wealthy man. I would take the money and put it in my pocket, or the Minister of Municipal Affairs and I could do it together.

We have got a lot of questions about where this government is spending its money. The fact now that it is getting it together with the—

Interjections.

**The Speaker:** Order.

**Mr Cousens:** We want to see something happen. They are out there giving us announcements. We hope that in the next year and a half or two we will have something to really show for what they have been doing. I know they finally have a good leader in appointing David Crombie to head up the commission. With the fact that they have both the federal and provincial governments working together, maybe we can all go down a better road than the one they have been taking us.

**1400**

**Mr Harris:** I want to comment briefly on the statement today by the Ministry of Municipal Affairs and say this: We on this side of the House and a number of people in this province have had a tremendous amount of concern about whether



this province did have a game plan, did have any overall vision as to where we were heading in the future in this province and indeed in the greater Toronto area.

I applaud the announcement today to follow along with David Crombie and ask this: If it does nothing else than bring together the Minister of Housing (Mr Sweeney), who is talking about—I find it ironic when we are talking about the greening of the GTA that the Minister of Housing wants to take the Lakeshore Psychiatric Hospital lands and ungreen them and make them housing—the Minister of Transportation (Mr Wrye), who wants to build roads through the Rouge Valley, the Minister of the Environment (Mr Bradley) who wants to put garbage in the Rouge Valley—

**The Speaker:** Thank you.

**Mr Harris:** —and if it allows them to co-ordinate their own efforts—

**The Speaker:** Thank you. That completes the allotted time for ministerial statements and responses.

## ORAL QUESTIONS

### HOSPITAL SERVICES

**Mr B. Rae:** I have some questions for the Premier arising from information which he has placed before the House in answers which he gave last Thursday. The Premier is quoted in Hansard on page L-36 as saying and I quote, “there is a system in place but the system was not used.” He then goes on to say, “So the question is: Why was that system which is in place and, to the best of my knowledge, functions well most of the time, not used?”

I have spoken this day to a great many people working in the field of emergency services and in the field of critical care and I am advised that there is at the present time no comprehensive system for critical care patients as opposed to trauma patients. I am advised that according to every definition, Mrs Lacroix was a critical care patient.

If I can quote a senior executive of one of Toronto's hospitals, he said, “If there was a failure of the system it was because the patient didn't fit into the system,” and he went on to say, “if the system is at fault, it is because we have not done with critical care what has been done with trauma.”

**The Speaker:** Question.

**Mr B. Rae:** Can the Premier tell us just what is the situation for patients like Mrs Lacroix today?

**Hon Mr Peterson:** I think the honourable Minister of Health (Mrs Caplan) can help the member out with that question.

**The Speaker:** It has been referred to the Minister of Health.

**Hon Mrs Caplan:** The letter that I shared with members of this House last week is a letter from the Toronto Hospital corporation referring to a number in their emergency room which is available for assistance to physicians. I undertook to share that information with members of this House and that is what I did.

**Mr B. Rae:** I have spoken with the person who wrote that letter and I can tell the minister on the basis of all the discussions that I have had today, if she is saying that there is a system in place for critical care patients, if she is saying that there is a hotline for critical care patients, if she is saying that there is a way of finding not only a bed but a surgeon for a critical care patient and getting that patient into critical care right away, the minister is wrong. She is flat wrong, she is completely wrong and she had no business giving the information to the House last week which she did.

**The Speaker:** Question.

**Mr B. Rae:** Can the minister tell us why would she have said that there is a system in place for critical care patients when the people who operate the system themselves say, “There might be something for trauma, but there is nothing there for critical care.” Why would the minister make that mistake?

**Hon Mrs Caplan:** In April 1987 we established a working group on critical care. They have been offering us their expert advice. In June of this year we announced in a statement in this House additional funding to improve the co-ordination of services from the time a patient is picked up by ambulance, arrives at a hospital emergency department, and when necessary, is transferred to a critical care or trauma unit. We have just begun to implement that kind of province-wide system.

The working group on critical care is meeting even today as we speak to offer us further advice, but I can say to the Leader of the Opposition that I shared with him as I said I would the information that was provided to me.

**Mr B. Rae:** The information which the minister had provided to her is information which she passed on and then used to bludgeon Dr Nesdoly and other doctors in the province who were involved in the Lacroix case. That is exactly what the minister did, and I am advised—and I am passing this information on to the minister—that in fact when she makes the distinction between critical care, intensive care and trauma cases,



there is nothing in place for intensive care and critical care that matches the system that is supposed to be in place for trauma.

Those are the facts, that is what we have been advised by people in the system, and if that is true, why would the minister be standing in her place and giving that kind of misinformation to the people of Ontario, misinformation which I might say to the minister, affects the reputation of physicians in this province.

**Hon Mrs Caplan:** I would say to the Leader of the Opposition that it is extremely important that the information that we share in this House is accurate.

Interjections.

**The Speaker:** Order.

**Hon Mrs Caplan:** I have always undertaken to share with him the information that I have and to ensure that it is accurate and that these issues are dealt with in the most appropriate forum. As he knows, in this particular case the coroner has called an inquest and I believe that is appropriate.

I would say that if the member is really interested in trying to help us to find a solution to the challenges that we face in the health care system, then he will in fact not attempt to cast blame or take cheap shots but to work with us to ensure that we are all working together and behaving responsibly in this House.

Interjections.

**The Speaker:** Order.

#### TORONTO WATERFRONT

**Mrs Grier:** My question is for the Premier and it concerns the announcement that he made this morning concerning the waterfront. As I said earlier, I certainly welcome the evidence of co-operation between the federal and provincial governments in the expansion of Mr Crombie's mandate. But the Premier will be aware that the International Joint Commission has called for federal-provincial co-operation to clean up the toxic hot spots on the Great Lakes by way of remedial action plans and that Metropolitan Toronto is a prime candidate for such a plan.

In the interim report released by Mr Crombie he recommended and I quote, "that the provincial Ministry of the Environment and Environment Canada move urgently to prepare and implement the Metro Toronto remedial action plan." Can the Premier explain why this morning in his first major announcement concerning the Crombie commission there was no mention of this very pertinent and urgent recommendation?

**Hon Mr Peterson:** To the honourable member, I do not think there was any attempt to respond to all aspects of the Crombie report today. I think we responded appropriately today to declare provincial interest in certain aspects of those lands and I think it speaks well to a co-ordinated approach by four levels of government. That does not mean for a minute there is not lots more work to be done.

**Mrs Grier:** I would have thought that a cleanup of an existing problem would have been so integral to any further development that perhaps it might have been specifically addressed. But let me turn to another aspect of planning on the waterfront that was not specifically addressed. Also missing from this morning's announcement was any reference to the Environmental Assessment Act.

This seems to confirm the government's plan to gut the Environmental Assessment Act, as revealed in the leaked document that has become known as Project X. Can the Premier give the House his commitment that future planning for the waterfront of the greater Toronto area will be done in accordance with requirements of the Environmental Assessment Act?

**Hon Mr Peterson:** Can I just say that the comments of the honourable member—I do not know how to describe them because she is usually fairly responsible—are a crock, just a complete crock? Usually the member knows better than to stand up in this House and to embarrass herself by speaking so.

**Mrs Grier:** My question derives from the action of this government in refusing an environmental assessment for a critical part of the waterfront in my riding, where Mr Muzzo and Camrost Development Corp are planning a major high-rise development and where the Ontario Environmental Assessment Advisory Committee recommended that there be an environmental assessment. The government refused that recommendation and has come up with an environmental management master plan which is worse than being a crock; it is totally useless.

Can the Premier explain why, in his declaration of provincial interest on this entire waterfront, he confined that declaration to a very small area, an area where there are no major developments planned by private developers and where there is perhaps a world trade fair or the Olympics planned, the area east of Yonge Street? Why is the entire waterfront not a provincial interest?

**Hon Mr Peterson:** Previously, the motel strip in Etobicoke has been declared a matter of provincial interest. I am sure the member was here when that happened so she is aware that we are way ahead of her on that particular matter at the present time.

The one critical area that was discussed by Mr Crombie was declared a matter of provincial interest. That does not preclude the government from declaring a provincial interest on a much wider area, should that be necessary in the future, but that is the area of priority and that is where we are working at the present time. I think sensible, objective observers of this situation would say it is the absolutely appropriate place to start. It is the critical area, the area where the federal government and the provincial government have the majority of lands, and of course the Environmental Assessment Act will apply in every case that is applicable.

**The Speaker:** New question, the member for Sarnia.

**Mr Brandt:** I want to pursue with the Premier the question of the announcement this morning with regard to provincial involvement in the Toronto waterfront. We welcome that announcement; I want him to know that. In the course of the announcement, the Premier indicated that our heritage is slipping away piece by piece and that he was concerned about the retention of the heritage, which the waterfront was a major part of.

I would like to ask the Premier why it is that a very important part of the waterfront, namely the headwaters that discharge into the Toronto waterfront, are not described at all in his release, nor are they given any attention whatever. Specifically, I am referring to the conspicuous absence of any reference to the Rouge Valley and any reasons the Premier would not include the Rouge as part of a provincial park for purposes of preservation. Could he indicate to this House why he has intentionally avoided mentioning any reference to the Rouge in his comments.

**Hon Mr Peterson:** My honourable friend did not read the announcement. He should have been there in person today because he would have learned something. The things he has just said in this House are not the case at all. What we said is that the member for St Andrew-St Patrick (Mr Kanter) is going to be looking at all the headwaters right up to the Oak Ridges morain and all of the waterflows along the waterfront. He missed that part of it, obviously. I invite my friend to reread the release of this morning and

then reframe his question based on facts, not just on his fantasy.

**Mr Brandt:** Let me give the Premier a fantasy he has not dealt with, with respect to an earlier report. He knows full well that there is an offer on the table now from the federal government committing \$10 million to make that land into a provincial park. Why is it that his government has not indicated any intention whatever to contribute to the preservation of the Rouge Valley lands? The Premier should not stand up here and say I have not read the report. I have read it. It does not contain a commitment from him.

**Hon Mr Peterson:** It was not intended to deal with the Rouge specifically. It deals with the waterfront and all of the headwaters up to the Oak Ridges morain. I think the member should read that.

The member wanted to ask me another question—he is quite entitled to—about the government's commitment to the Rouge Valley. I can tell my honourable friend that we are going to preserve the Rouge. There is no question about that. Then he talks about this offer of the federal government. Who knows what that land is worth. Billions? Who knows the answer to that question. We are going make a commitment to that and we will share that with the member as that entire quadrant is reviewed on the basis of advice from the member for St Andrew-St Patrick.

The member refers to a \$10-million offer from the federal government. I want to tell him something: That was about as cheap a political trick as I have ever seen, which I am used to—and I do not mind that—but that is in no way significant in terms of preserving the Rouge. If they were serious, they would have had a much different view of the situation. But I can tell him that this government is going to preserve the Rouge.

**Mr Brandt:** I have learned to listen carefully to the words used by the Premier. When he talks about the preservation of the Rouge, is he prepared to stand before this House and indicate today that he is not going to allow any roadways or highway networks through the Rouge, any landfill sites, any commercial or residential development in that particular sensitive area? Is he prepared to make that kind of commitment? When we talk about preservation, we mean that type of development would not be allowed in a provincial park, which the Rouge should be. Is he prepared to stand up and make a specific commitment rather than a generalized statement such as he gets away with so often?

**Hon Mr Peterson:** First of all, I do not think this government has to apologize for what it has done in provincial parks anywhere with the kinds of things it has done. I can tell the member it was his government that was in terrible trouble on provincial parks.

Let me go on to say to my friend that obviously we are going to preserve the Rouge. The question is, whose definition of "the Rouge"? All those aspects are being studied at the present time and we will share those with him at the appropriate time. My friend says "that particular sensitive area." He has not stood up and said what, in his view, the sensitive areas are.

There are a variety of different views on this situation and how far it runs up the headwaters into the morain, the sensitive river valleys and a lot of other surrounding land. Various different people have various different interpretations of the size and scope of the Rouge, as my honourable friend knows. I say to my honourable friend that all of those issues are being co-ordinated and we will respond to the honourable member when decisions have been made. I can tell him it is our intention to preserve the Rouge and all the sensitive areas—he used that word—he talked about.

#### HOSPITAL SERVICES

**Mr Eves:** I have a question for the Minister of Health. It is my understanding that Dr Girotti, who is the director of trauma services at the Toronto General Hospital, and other doctors from that hospital have been meeting with officials from the Ministry of Health this morning regarding the Stella Lacroix case. Could the minister please provide the House with an update as to the particulars and details of that meeting.

**Hon Mrs Caplan:** As I said, in April 1987 we established a working group on critical care. That committee has been meeting over the course of many months. They advise us on the announcement I made last June regarding emergency and trauma services in this province. I understand their meeting is ongoing at this time to advise us how we can improve in the future.

**Mr Eves:** We on this side of the House are trying to get to the bottom of the minister's mystery hotline. Doctors across the province have been phoning myself and colleagues on this side of the House about her hotline that she described at TGH. In fact, the doctors claim that there is no such hotline and that the TGH phone number she refers to simply links callers with the TGH emergency room and tells the caller the

name of the doctor on duty in that particular emergency room.

I think it is about time we got the truth about her supposed hot line. Will she publicize the hotline number she referred to today and will she provide the House with documentation regarding the 800 calls she claims it receives each year and the exact procedures it uses to link doctors with beds?

**Hon Mrs Caplan:** As I have said in this House on a number of occasions, and particularly on 11 October in response to the member's question, I believe it is important that we gather all the facts and that, as I had those facts, I would share them not only with the coroner but with members of this House. People's lives are at stake. It is very, very important that we make sure these matters are dealt with appropriately. I would say to the member we must get all the facts.

**Mr Eves:** This case has been before the House on three or four separate days now. The first day, the minister claimed she could not talk about it because there might be a coroner's inquest. The next day, she claimed the doctor was at fault because he had not used your mystery hotline. She still does not know what the number is today. Yesterday, it was learned that her ministry handbook for emergencies in Ontario does not list or contain her mystery hotline phone number.

Dr Girotti has something to say about the hotline and the public deserves to know the truth about the minister's hotline. She cannot have it both ways. Does she not think it is about time she started worrying about saving lives instead of saving face?

**Hon Mrs Caplan:** The member opposite is talking about someone's life. We are dealing with getting the facts and having this dealt with in the most appropriate forum. I made a commitment in this House. I shared the information we had. I can say to the member that a coroner's inquest has been called and that all the facts and information will be dealt with in that most appropriate forum. We want to make sure we are all working together to improve the services to the people of this province.

1420

#### AUTOMOBILE INSURANCE

**Mr Kormos:** This is to the Premier, and it is to the Premier because he is the one who promised some two years ago that he had a very specific plan to lower automobile insurance premiums in Ontario. He has a new plan. He has sure given it to the drivers of Ontario, but he is not reducing premiums. Indeed, what this new plan ensures is



that it guarantees middle- and upper-income drivers will not be fully compensated for their wage loss, for their economic loss. The maximum of \$450 a week of wage replacement translates to \$23,400 a year when the poverty level for a family of four in Toronto is just under \$25,000.

What that means is that innocent victims of drunk drivers, negligent drivers are being deprived, are being denied the right to get full compensation for their actual loss of income. How can the Premier call that fair?

**Hon Mr Peterson:** I think the minister can help out my honourable friend again.

**The Speaker:** Referred to the Minister of Financial Institutions.

**Hon Mr Elston:** If the honourable gentleman the member for Welland-Thorold reviewed the way the system was designed to work, which in fact delivers quick payments for replacement of lost income and provides benefits for supplementary medical and rehabilitation services and long-term care services as well, through the package he has spoken about, he would understand that in combination with other collateral benefits there is ample room for replacement of lost income. He would also understand that in addition to having a market in which to purchase larger amounts, there will be ample room for replacement of the lost income he is so concerned about.

With respect to his preamble, which said there has not been a control on rates, he of course fails to acknowledge that there was a cap on rates, and he knows the history of that; plus, introduction of this proposal will preclude the raising of rates by some 30 per cent to 35 per cent. In fact, that control on rates has delivered on the promise that was made two years ago.

**Mr Kormos:** The Premier obviously is not going to keep the promise and he certainly cannot expect his minister to. Let's run this one past the minister. Let's talk about a 35-year-old factory worker who is making \$800 a week who is hit by a drunk driver and suffers serious whiplash. That is not an uncommon scenario. He is off work for a year because he cannot do the heavy lifting and twisting involved in his job. For damages for pain and suffering for one year, what does he collect under this scheme? Zero; nothing. For lost income, he collects \$23,400 when his total loss, his real loss is some \$41,600. That means a shortfall of \$23,200 that he is out of pocket because the minister took that away from him.

That is the type of system he is talking about, one that guarantees profits for insurance companies—

**The Speaker:** Question.

**Mr Kormos:** —and one that denies injured people compensation for their injuries, denies people the right to be compensated for their loss of income.

**The Speaker:** Question.

**Mr Kormos:** He cannot call that fair, not by a long shot.

**Hon Mr Elston:** The system is indeed fair and what the honourable gentleman forgets to do is to take into account all of the other support mechanisms that are in place to assist that person. It is not uncommon for other disability programs to be in place and it is not uncommon for there to be shared responsibility in those situations. It is not uncommon for the gentleman to get his description of the events wrong. In fact, it could be that there was some serious injury that would require litigation.

He, like all others who wish to make their point at the expense of the public's awareness and understanding of this system, designs and defines the examples so as to preclude any reasonable and intelligent assessment of the product. He wishes people to remain confused.

The real, clear point is this: Quick dealing with the losses that are sustained by accident victims. His introduction of the issue of the impaired driver striking this individual is of very little concern, because what he fails to tell the people is that we will punish the impaired driver. There are tough standards in place for the impaired driver. There are tough standards in place for those people who violate the law. There are tough standards and there are tough punishments. There will be increased costs for those people who do damage.

Let there be no mistake about that and let there be no mistake about the fact that there will be quick relief for those people who lose under the accident scenario.

## HOSPITAL SERVICES

**Mr Eves:** My question is to the Minister of Health again. The meeting of which she spoke about with the working group on critical care has apparently just ended and Dr William Sibbald, who happens to be the chairman of the working group says, and I quote, "The working group is of the opinion there is no provincial hotline in place." Will the minister now admit that in fact this hotline she speaks about does not exist, and why did she tell the House there was such a hotline when the chairman of her own working group, which she was so proud of a minute and a half ago, says there is not one?

**Hon Mrs Caplan:** The member opposite has raised questions in this House on numerous occasions. I have shared with him the information I have. I have read it into Hansard based on the very best information I have. It is important that we have the facts. I refer him to Toronto General Hospital. It is their phone number. I actually visited the hospital on a number of occasions. I would say to him that no one has suggested we cannot improve in the future how we implement services to access care. That is why we are looking at structural changes. That is what the critical care working committee is advising us on.

**Mr Eves:** The minister herself and the Premier (Mr Peterson) have told the House that Dr Nesdoly perhaps did not use what was available to him. Yet Dr Sibbald is also quoted as saying that Dr Nesdoly used "appropriate lines of communication available at that time." Will the minister be big enough to stand up in this House and apologize publicly to Dr Nesdoly right now?

**Hon Mrs Caplan:** I want to make sure that we gather all the facts and that we make sure this type of situation is avoided in the future. I believe the coroner's inquest is the most appropriate location and I would say to the member opposite that it is extremely important that the information we share in this House is factual.

**The Speaker:** New question, the Leader of the Opposition.

**Mr B. Rae:** I want to put this question again to the Premier and I mean it in all seriousness. He provided information to every member in this House last Thursday. I quoted to him in my first question what that information was. I would like to simply repeat it again. He said, and I quote, that "there is a system in place.... It was there, but for some reason the people involved did not avail themselves of the service." He went on to say, "Why was that system which is in place and, to the best of my knowledge, functions well most of the time, not used?" He said not once but three times that the system was there.

We have clear evidence from the people responsible for critical care in this province that in fact the information the Premier gave to the House on Thursday was false. Is he prepared to stand in his place and admit that the information he provided to this House on Thursday was false?

**Hon Mr Peterson:** With respect, I do not agree with my friend at all.

**Mr B. Rae:** His minister told the House on 22 June that a Metro Toronto hotline for critical care would be in operation on 1 July. That is the

information she provided on 22 June. I am now advised by the doctors responsible for the system that there is no such hotline for critical care patients, for intensive care patients, and the Premier has the gall to stand up in his place in this House and say that the doctors out there were not using a system that is in place. The system is not in place. All the people in the system understand it except for the Premier. When will he finally come to his senses and recognize that he gave information and told the province things on Thursday that are in fact not true?

**Hon Mr Peterson:** I do not know what more evidence we need and I think we have expressed that to my honourable friend.

**The Speaker:** New question, the member for Simcoe West.

**Mr McCague:** My question is to the Minister of Health. I had a call at lunchtime from a doctor at the Collingwood General and Marine Hospital. He asked the head unit nurse this morning what the number was, the mystery hotline number they were supposed to use. The nurse looked all morning and could not find it. Now will the minister stop her fancy footwork and give me a number that I can at least give Dr Smith at the hospital in case he has an emergency tonight?

1430

**Hon Mrs Caplan:** The facts of this unfortunate case will all be dealt with during a coroner's inquest. I am pleased to be able to say to the members of this House that I am happy to share whatever information I am able to share with them, and if anyone is interested in specific numbers the ministry has available, I will be pleased to share them with the members.

**Mr McCague:** The honourable member is not doing her job. I want the number that Dr Smith can call tonight if somebody in my riding gets in trouble. For God's sake, give it to us.

**Hon Mrs Caplan:** I understand the question from the member opposite is an extremely important one, and he knows that we have a number of control centres available throughout this province.

What is most interesting is that his own colleague in this House, the member for Parry Sound (Mr Eves), in response to my statement in June, said: "I don't think we have to spend \$18 million to come to commonsense conclusions. Any doctor I have dealt with certainly knows what hospital to call and what other specialized physicians to contact in terms of needing specialized care."



We are establishing province-wide networks. In the meantime, the hospitals make services available. I would be pleased to give to the member opposite the number of the Toronto Hospital corporation, which they gave to me.

#### CARDIOVASCULAR CARE

**Mr M. C. Ray:** I have a question for the Minister of Health. It concerns cardiac surgery in the city of Windsor. The minister has repeatedly said that Ontario will provide quality health care as close to home as possible. This statement poses some confusion for residents of Windsor, where "as close to home as possible" often means the city of Detroit, if the services are not provided at home.

The president of the Essex Medical Association has been negotiating with Detroit hospitals for the delivery of cardiac surgery services to residents of Windsor. At the same time, there are press reports in Windsor that Ministry of Health officials are not involved in these negotiations. My question is, under these circumstances, where are residents of Windsor to look for cardiac surgery services in the context of the minister's statement, "as close to home as possible," and what coverages are Windsor people to expect under the Ontario health insurance plan?

**Hon Mrs Caplan:** The member for Windsor-Walkerville raises an issue that is of concern to the residents of Windsor. As he knows, we have asked an expert panel to advise us on ensuring that Windsor residents have access to the services they need. My priority is always to ensure that they have services available and that we try to have them as close to home as possible.

The member will know that London and five other centres across this province all offer specialized cardiovascular services. London is the natural referral centre, but residents of Windsor can be referred or can request referral to any one of the six centres offering cardiovascular services.

**Mr M. C. Ray:** That is not exactly responsive to my question. Could I ask the minister at least to update us on the investigation regarding the possibility of locating a cardiovascular centre in Windsor?

**Hon Mrs Caplan:** As the member knows, these decisions are made on the very best advice we can receive. We established an expert panel which has had representations from residents and physicians in the Windsor area. I believe their recommendations have just been received; they are recommending a full audit of services

available to people in southwestern Ontario, and we will commence that audit as soon as possible.

**The Speaker:** New question, the member for Windsor-Riverside.

**Mr D. S. Cooke:** I would also like to ask the Minister of Health a question with regard to cardiac surgery in Windsor. One can remember too, that she talked about the hotline down our way that did not exist, but I would like specifically to ask the minister, is she or is she not prepared to publicly announce today that there will be a full feasibility study into the possibility of having cardiac surgery in Windsor, yes or no? She has had several months to study it. Yes or no?

**Hon Mrs Caplan:** As the member knows, we rely on the very best of expert advice as to how to proceed to ensure that people have access to the services they need when they need them. I can tell him that we have just received the recommendations of the expert panel, and their recommendation is that a full cardiovascular audit be conducted so that we can determine what services are available and what, if any, services should be enhanced or provided, how they work and so forth. The terms of reference will be available very soon.

**Mr D. S. Cooke:** The minister certainly works quickly.

Can the minister respond to another major concern of cardiac services in our community that her ministry ignited several weeks ago, and that is the whole issue of angiograms conducted in the city of Windsor? Can the minister tell us today whether her ministry spokesman was correct in saying that angiograms were unsafe when they are performed in Windsor because we do not have cardiac surgery, or are they safe? If they are safe and approved by the ministry, is the minister prepared today to admit, at least on this issue, that her ministry was wrong and to apologize to the people in our community, and specifically Dr Wong and his colleagues?

**Hon Mrs Caplan:** I have never questioned the competence or medical judgement of physicians in this province. I understand that a letter was sent by the ministry, but I would say to the member that my priority is to ensure that people have access to effective quality care right across this province, and we rely on physicians who are accountable to the College of Physicians and Surgeons of Ontario to use their very best medical judgement in determining where and how people access that care.



**Mr D. S. Cooke:** Is it safe?

**Hon Mrs Caplan:** I'm not a doctor.

**Mr D. S. Cooke:** Your ministry spokesmen didn't hesitate to say it was unsafe.

**The Speaker:** Order.

**Mr D. S. Cooke:** What a joke. It's time for another cabinet shuffle.

**Mr Pouliot:** There is no such service available. No one has the guts to stand up and say it. That's the problem. That's what is taking so long here.

**The Speaker:** Do you enjoy wasting the time like that?

### HOSPITAL SERVICES

**Mr Eves:** I want to pursue this issue with the Minister of Health again. Dr Girotti, chairman of the trauma unit at Toronto General Hospital, has been quoted again just a few minutes ago as saying that the TGH hotline is a local hotline for internal use, and he talks about internal facilities. It is not a provincial hotline. The minister led this House and the people of Ontario to believe that it was. I am giving the minister the opportunity, for the third time today, to admit that she made a mistake, that there is no such hotline and that perhaps she will look into developing one in the future.

**Hon Mrs Caplan:** In fact, the member is wrong again. I never used the term "provincial hotline." What I did was read into the record, information that I had received from the Toronto Hospital corporation about a service that it provides in its hospital to assist physicians outside of Metropolitan Toronto. Those are the facts. That is it.

**Mr Eves:** The facts are that the critical care working group has submitted a report recommending to the minister that she set up such a provincial hotline so that there will be one to call in every region of the province in the future. It is my understanding that the minister received that report before the Midland incident, that she did nothing about it and that there is no number. Will she do something about setting up the number, and why did she give this House information that was incorrect? There is no number. Will she not admit that? There is no provincial hotline number.

**Hon Mrs Caplan:** In June, I announced an approach to establish across this province an integrated trauma program to co-ordinate and speed access to trauma and critical care. Do members know what that member's response was? His response was: "I don't think we have to

spend \$18 million to come up with a common-sense conclusion. Any doctor I know and I have dealt with will certainly know what hospital to call and what other specialized physician to contact." He criticizes everything, whether he is right or wrong, or whether he has the facts or not. Come on, get serious.

Interjections.

**The Speaker:** Order. There are other members who would like to ask questions.

1440

### GENERAL MOTORS VAN PLANT

**Mr Faubert:** My question is to the Minister of Industry, Trade and Technology. All members of this House will be aware that workers from the Scarborough General Motors van assembly plant are currently in a state of limbo as a result of GM's announcement on Thursday to shift its van production from Scarborough to Flint, Michigan. As has been clearly pointed out, this decision could adversely affect up to 2,700 automobile workers, many of whom live in Scarborough. It appears that the free trade agreement may well have contributed to this decision as well as the current interest rate policy of the federal government.

Can the minister advise this Legislature if the free trade agreement may have provided an added incentive to General Motors to shift these jobs out of Scarborough to Flint, Michigan?

**Hon Mr Kwinter:** It would be very difficult to attribute that particular action to the free trade agreement. I think it is more a matter of the overcapacity of the industry, the rationalization of the plants in North America and the factors in the marketplace.

**Mr Faubert:** Many constituents in my riding have expressed to me their concern about the overall effect of the free trade agreement on the manufacturing sector. Can the minister advise the House what impact the free trade agreement has had on manufacturing jobs across this province?

**Hon Mr Kwinter:** The free trade agreement has been in effect since January of this year, and it is too early to try to find out what impact it has had. I should say, though, that during the free trade debate we were concerned that some jobs would leave Canada and go to the United States. There have been some cases, particularly that of Outboard Marine in Peterborough, where that seems possibly to have been a result, but our monitoring of the manufacturing jobs in the past year has really been inconclusive in view of the

fact that the the number of jobs has remained virtually the same.

I think what the member is seeing is a combination of some backlash of the perception of free trade and also a situation where the economy is not quite as vibrant as it has been in the past. All of these are contributing to some of these adjustments.

### HOSPITAL SERVICES

**Mr B. Rae:** I want to go back to the Premier and make this point: In this House, if we cannot rely on the personal word of the Premier with respect to his answers, then I say we are in some trouble. That is my problem. That is why I asked my first question to the Premier, and that is why I have another question for the Premier.

On Thursday in this House, the Premier said, "There is a system in place, but the system was not used." He did not say that once; he said it about four times in his answer. We now have comments from the working group on critical care and Dr Sibbald, who stated, "The working group is of the opinion that there is no provincial hotline in place." I have been advised this morning by other people working in the system, who are in a position to know, that in fact there is no co-ordinated system to deal with critical care patients across the province.

**The Speaker:** And the question?

**Mr B. Rae:** I want to ask the Premier this: Why did he give information to the House last Thursday which was so obviously incorrect and false with regard to critical care in Ontario?

**Hon Mr Peterson:** It was completely accurate. Why does the member stand up, continuing—let me just read the letter to the member again, because he may not have read it. It says:

"The resident did indicate to Dr Nesdoly that a bed would be available after 11 pm. Dr Nesdoly did not call back. The emergency hot line for use by physicians around Ontario, number 340-3000, and staffed 24 hours, was not used, nor was the trauma team consulted."

Those are the facts from the president of the Toronto Hospital. The member might not like those facts. He has a way of interpreting and bending facts to suit his purposes sometimes, but let me tell him that he has a responsibility to stand up in this House and not twist facts the way he has been doing.

**Mr B. Rae:** Let me come back to the Premier, who wants to talk about information provided. His own Minister of Health (Mrs Caplan) told us in this House on 22 June this year that she would "improve accessibility to services by establishing

critical care hotlines for physicians in each region which will be interconnected throughout the province. The Metropolitan Toronto hotline will be in operation 1 July."

That is what the minister told us, and I am telling the Premier today that the information I have is that there is no such service for critical care in Ontario. There may be a line for trauma. There is a difference between trauma and critical care. Mrs Lacroix was not a trauma patient; she was a critical care patient.

We are also advised by Dr Sibbald that in fact there is no province-wide hotline for critical care in the province today. Will the Premier come clean and admit that when he spoke to this House on Thursday and said there is a system in place for patients like Mrs Lacroix, he was wrong, completely wrong?

**Hon Mr Peterson:** My honourable friend may want to change his question again, but let me repeat to him what the report was from Mr Stoughton, the president of Toronto Hospital. That is the information on which we went, and it is all there. He chooses to ignore it, time after time. He thinks that by shouting and repeating himself he can persuade people he is correct. Let me tell him, he is wrong. He shouts and screams enough but cannot persuade people he is correct.

Here are the facts as reported by Mr Stoughton, and I will repeat them to the member because he has trouble understanding them: "The resident did indicate to Dr Nesdoly that a bed would be available after 11 pm. Dr Nesdoly did not call back. The emergency hot line for use by physicians around Ontario," and I repeat 340-3000, "and staffed 24 hours, was not used, nor was the trauma team consulted."

There is going to be an investigation into this matter, and who knows why it was not taken advantage of or anything else. But I think my honourable friend has an obligation not to distort the facts in this House as he is doing.

Interjections.

**The Speaker:** Order.

### PROPERTY ASSESSMENT

**Mr Cousens:** I have a question for the Minister of Revenue. Metropolitan Toronto council has referred to the minister its plan for property assessment. It has also proposed a market value assessment approach that is unique among all other municipal reassessment processes. Can the Minister of Revenue tell this House whether he plans to approve this scheme as proposed or whether changes will be suggested to Metropolitan Toronto?

**Hon Mr Mancini:** All I can tell the member at the present time is that the matter is under serious review. My officials are looking into the matter, and I have discussed it with a number of my colleagues, including the Metropolitan Toronto caucus. The matter is under thorough review, and when I have an answer I will report to the House.

**Mr Cousens:** The minister should be getting an answer ready so that we do not have to read it in one of the local newspapers. Surely the minister is aware of the severe impact that these recommendations are going to have on the commercial and industrial sectors in Metropolitan Toronto. Metro's industrial and commercial sectors are going to have to pay the commercial concentration levy, and now Metro's industrial and commercial sectors must pay the burden of increased property taxes. Where does the minister stand on this issue?

**Hon Mr Mancini:** This is a matter of local option. There are 668 municipalities in the province that have opted for some form of market value reassessment. It is not the responsibility of the government to decide for the municipality whether or not it should have some form of market value assessment; it is the council's responsibility. They have made a decision, and we are reviewing their decision.

#### AFFORDABLE HOUSING

**Ms Oddie Munro:** My question is to the Minister of Housing. On 29 September 1989, the region of Hamilton-Wentworth formed a task force on affordable housing commissioned by regional chairman Reg Whynott and to be chaired by councillor David Christopherson. The task force is made up of 27 members selected from the community with terms of reference providing for input and advice from a regional perspective to address all elements that affect affordable housing. Liaison with the province is obviously a priority. My question is, what is the minister's initial response to this unique initiative taken by the region of Hamilton-Wentworth?

**Hon Mr Sweeney:** When I had an opportunity to speak to the Association of Municipalities of Ontario in August of this year, I indicated clearly what the priority of the ministry was going to be. I indicated also that it was not a task that I could perform by myself, nor could the provincial government, with respect to increasing the supply of affordable housing. I invited them to participate with me in this task, and quite frankly I am delighted that the region of Hamilton-Wentworth has set up the committee which

the honourable member describes and is willing to work with my ministry in that particular capacity.

**1450**

**Ms Oddie Munro:** Community reaction in Hamilton-Wentworth is certainly very positive. We believe it is a well-meaning, needed and accountable issue, and in my view the region should be commended and I am glad the minister has done so. My supplementary question to the minister is, what is the likely procedure of his ministry in dealing with this local regional task force? I realize the minister has procedures in place for municipalities, but this is a region and I am wondering what the procedure would be in terms of planning and implementation of required affordable housing.

**Hon Mr Sweeney:** I would first of all say to Hamilton-Wentworth region that they are free, welcome and encouraged to avail themselves of whatever resources are present in my ministry in terms of data, analysis and things of that nature. Second, if they come up with solutions which do not fit any of the existing programs of the ministry, we would be quite happy to sit down with them to determine how we can reshape those programs so they can meet the needs of Hamilton-Wentworth.

I would point out to the honourable member that when my colleague the former Minister of Housing made her announcement that there would be a change in the planning and housing processes in this province, she identified a number of regions in the province that are of particular concern. Hamilton-Wentworth was one of those with respect to the 25 per cent affordable housing, the three-year supply of residential lots, and the 10-year identification of residential land. Therefore, it is very appropriate that Hamilton-Wentworth be one of the early regions to come forward and to take this initiative on themselves.

#### LAND STEWARDSHIP PROGRAM

**Mr Wildman:** I have a question of the Minister of Agriculture and Food. When is the minister going to allocate the required funds to meet the demand from Ontario farmers for financial assistance for adoption of conservation methods in farming practices across Ontario?

**Hon Mr Ramsay:** On Thursday of last week I signed an accord on behalf of the province with the Honourable Don Mazankowski which would transfer \$11 million of federal funding to Ontario. We are now going to be negotiating with the federal officials on designing programs that



will benefit Ontario farmers so that we can do a better job on the farm in conserving our soil and water.

**Mr Wildman:** Following from that, what effect will this have on the land stewardship program of the ministry, a program which according to Galen Driver of the ministry is "grossly oversubsidized"—that is a quote—and which resulted in the fact that in May the ministry had to send out 500 letters to new applicants to inform these farmers that the ministry had no money to fulfil their proposals for projects under the program?

**Hon Mr Ramsay:** I think maybe the word is "oversubscribed." I think maybe that is what the member was saying. I hope he does not feel that we oversubsidize some of these programs, but if it is oversubscribed, which I think it may be, we think it is important. We have had basically this argument for the last couple of years with the federal government so that we could count our land stewardship programs as being part of our share. Now that we have reached that agreement we are going to be able to refund the land stewardship program, which I am sure the member and all members of this House have agreed is very important for viable and sustainable agriculture in Ontario.

#### ENFORCEMENT OF FISHING REGULATIONS

**Mr J. M. Johnson:** My question is to the Minister of Natural Resources. A report in the Toronto Star dated 16 October, said 11 men, 10 of them commercial fishermen, were fined and jailed for unlicensed fishing and selling of lake trout. The justice of the peace who heard the case, Ross Forgrave, estimated that eight tonnes of lake trout were caught and sold by the poachers. Justice Forgrave was very critical of the Ministry of Natural Resources for the "unbelievably slow" time it took to lay charges. Why did it take her ministry officials eight months to lay charges in this case?

**Hon Mrs McLeod:** I would have to ask some questions about that specific case to know about the length of the time delay. Obviously, the enforcement of our fishing regulations is extremely important to us. A major emphasis for our conservation officers is to carry out that enforcement. It is clearly very important to us in terms of our fisheries policies.

**Mr J. M. Johnson:** Eight tonnes of lake trout is a lot of trout. Justice Forgrave was very critical. In fact, he went on during this case to say that, "there is dead wood in the ministry

somewhere." Since that is not the former minister any longer, it must be the minister's responsibility. Since a million and a half anglers purchase fishing licences, does the minister not feel that she has a responsibility to be more active than her ministry has been in the past, because taking that number of sport fish away from the sport fishermen certainly lowers the reason that people should buy a licence.

**Hon Mrs McLeod:** I certainly would agree, although I had some difficulty hearing the honourable member's question.

The management of our fisheries is a very important responsibility for the Ministry of Natural Resources and for the minister. Obviously, we do put an emphasis on the management of our fisheries program in terms of our restocking program, in terms of the research we do on fish habitat and in terms of our enforcement of fishing regulations. It will continue to be an important responsibility for us.

#### NORTHERN HEALTH SERVICES

**Mr Pouliot:** My question is to the Minister of Health regarding the critical shortage of family physicians for the underserved area of north-western Ontario. The minister will be fully aware that those communities are presently embarked on their annual pilgrimage to recruit and hopefully to retain that kind of expertise which is becoming so rare in the north over the past years, and I am talking here specifically four or five years, perhaps a decade.

We have made some positive recommendations to the minister that would help enhance our situation and we are told that the system is under review, a system that would provide essential services for the people of the north. Can the minister tell the people of the north what kind of specifics, what kind of announcement, will improve the care system for the people of the north?

**Hon Mrs Caplan:** I recognize that there are some northern communities that are experiencing difficulty in both attracting and keeping doctors, especially specialists, in their communities. That is the reason that I established the Northern Health Manpower Committee. We have advice from people right across the north. In fact, when I was in the north last week, I was informed that they are optimistic that they will be able to best advise me on how we can help the communities of the north to attract the kind of not only doctors but also allied health professionals to help to meet their needs.

**Mr Pouliot:** While it would not be fair to accuse the minister of being responsible for the pitfalls and the shortcomings of the north, she must, with respect, realize that we have been more than patient.

We have offered alternatives, alternatives that would work, such as the reinstitution of the foreign doctor program, those people who can fit the criteria, to come on a short-term and perhaps long-term basis and alleviate the shortage that we have up north. We have talked about added incentives. We have talked about building universities in the north to better address the problems of the north. Those are workable alternatives. Studies will not do it. Additional civil servants will not do it. We are giving the minister the answers to make our lives somewhat better.

**The Speaker:** And the question is?

**Mr Pouliot:** What specific plans does the minister have; what does she wish to tell the people of the north today, regarding their hopes, short term and long term, to address this problem?

**Hon Mrs Caplan:** I would say to the member that in fact we have had some successes in the past. More than 800 doctors, dentists and other allied health professionals are working in 218 designated underserved areas. We know as well that overall there are sufficient numbers of doctors in the province, that the problems are geographic ones. Therefore, as we develop strategies to attract people to the north, we will be working with all kinds of incentive programs as well as with the best advice from northerners. We are listening and we are taking action.

#### HIGHWAY CONSTRUCTION

**Mr Brandt:** My question is to the Minister of Transportation and it is with regard to northern Highway 69, which runs from Sudbury to Parry Sound. The minister is well aware that that road is in fact unsafe in that the number of accidents that occur on that particular stretch of highway increases almost yearly, and the road itself has been for some time of very real concern to the citizens of Parry Sound, Sudbury and the places in between. Will the minister give this House some indication of how high up on the priority list his ministry has placed this particular stretch of highway?

1500

**Hon Mr Wrye:** I want to indicate to the leader of the third party that I was very pleased to be able to visit with the members of the District of

Parry Sound Municipal Association yesterday to make a luncheon speech and to turn the sod for the first section of road. I suppose, north of Parry Sound on the way to Sudbury, and that is the Parry Sound bypass.

The honourable leader of the third party will know that this very important \$11 million project, and indeed the bridge that goes with it, is now under way and will be open in the fall of 1990. The member will also know that we are spending close to \$250 million over the next several years on sections of Highway 69 south of Parry Sound because while the question alluded to the area north of Parry Sound from there to Sudbury, there is a great amount of work to do not only in the northern section, but in the area in the southern section.

With a \$250 million investment in the years to come, I can tell the honourable leader of the third party that this government considers Highway 69 a very, very important priority indeed.

**The Speaker:** Perhaps we could leave the supplementary for another time.

#### PETITIONS

##### SECURITY IN PREMISES USED BY PUBLIC

**Mr Villeneuve:** I have a petition from the Cornwall and Area Housing Authority and it reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We request that the Ministry of the Attorney General withdraw Bill 149, An Act to amend the Trespass to Property Act, which we believe is unnecessary and without mandate.

"While we respect the rights of minorities and youth, whom Bill 149 alleges to protect, we oppose the way in which the proposed legislation will erode the ability of owners and occupiers to provide a safe and hospitable environment for their patrons or customers. We are further concerned about the legislation's potential for increasing confrontation in the already difficult process of removing individuals who create disturbances on publicly used premises."

This petition is signed by residents in the counties of Stormont, Dundas and Glengarry and the city of Cornwall. I fully endorse it and I have signed the petition.

**The Speaker:** Perhaps the member might reread the standing orders.

#### FRENCH-LANGUAGE SERVICES

**Mrs Fawcett:** I have a petition from some members of my riding. It is to the Premier and



Legislative Assembly of Ontario. It is concerning the implementation of French-language services in Ontario, known as Bill 8. I have signed my name, as required under the standing orders, and for no other reason.

**Mr Kerrio:** I have a petition signed by 21 people that relates to their concern about Bill 8 and would have it withdrawn, according to the petition. I present it, signed by myself, but do not agree with the petition.

#### WASTE MANAGEMENT

**Miss Nicholas:** I have a petition from the Mississauga Landfill Site Liaison Committee. The signatures are 4,022 in all. It is to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario. It is from individuals who oppose the development of further landfill sites in the city of Mississauga and who request that alternative methods of waste management be sought.

I have signed this petition that I am tabling.

#### NATUROPATHY

**Mr MacDonald:** I have a petition addressed to the Lieutenant Governor and the Legislative Assembly of the province of Ontario. This petition, signed by 207 citizens of Ontario, requests the Parliament of Ontario to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

I have affixed my signature to this.

#### INTRODUCTION OF BILL

**Hon Mr Scott:** Mr Speaker, the bills have not arrived, so I will have to stand down till the next day.

**The Speaker:** There will still be another day.

#### ONTARIO WATER RESOURCES AMENDMENT ACT, 1989

Mr Harris, on behalf of Mrs Marland, moved first reading of Bill 61, An Act to amend the Ontario Water Resources Act.

Motion agreed to.

#### ORDERS OF THE DAY

#### OPPOSITION DAY

#### AUTOMOBILE INSURANCE

Mr Kormos, on behalf of Mr D. S. Cooke, moved:

That this House condemns the government for its mismanagement of its responsibility for automobile insurance—specifically, its failure to

make automobile insurance more affordable, more accessible and fairer and its failure to institute a system of driver-owned insurance for the people of Ontario.

**The Speaker:** I would remind the members that we are now in a new procedure under the new standing orders. The time will be divided equally among the three parties. I have instructed our timekeeper to keep that in mind and I would also remind the mover of the motion that he may reserve part of one third of the allotted time today for this to reply prior to 5:55, when a vote may be called at that time.

**Mr Kormos:** Mr Speaker, it is certainly not news to anybody here and it is similarly not news to anybody across the province, especially those five million to six million drivers who have to pay automobile insurance premiums annually, that automobile insurance premium rates have simply risen beyond affordability. Sky-high is no longer appropriate. Perhaps more appropriate is that the premiums have literally gone out of this world. All of us knew that and all the members of this House knew that. The Premier (Mr Peterson) knew it back in 1987—and this has been said time and time again, but it warrants being said again. The Premier knew it because back in 1987 the Premier promised drivers in Ontario that he had a plan, he had a very specific plan to reduce automobile insurance premiums.

The reason he promised that is so clear. It was because premiums had risen beyond affordability for the vast majority of drivers here in the province of Ontario and especially for people like senior citizens, people on fixed incomes, especially for people like young family heads who were struggling to cope with all those other debts that they carry with them, and for people like small business people, for whom operating a vehicle or vehicles was an essential part of their business operation.

Since the fall of 1987, this government, and quite frankly since before the fall of 1987, this government had made a number of promises about automobile insurance and those promises recognize the shabby treatment of drivers, of insurance consumers by the automobile insurance industry here in this province. It recognizes the unaffordability of automobile insurance, it recognizes the unavailability of automobile insurance because every day we hear of drivers—good drivers, not bad drivers—good drivers who are being told by their insurance brokers or insurance companies that they are not going to be renewed when that policy comes due for



renewal. They are being told: "Too bad, so sad. We do not want your business any more."

#### 1510

Where does that driver go? That driver finds himself or herself going to what is called the Facility Association, where he or she is looking at premiums that are three, four or five times as much as they were paying to regular insurers. They are looking at premiums that are unaffordable. What is the net result? The net result is that people are being forced to literally put their cars up on blocks. People are being forced off the roads in this province and, sadly, that includes people like senior citizens who rely on their motor vehicles and their cars for mobility on a day-to-day basis. That includes people who live in that vast and major part of Ontario where public transit is not a day-to-day fact of life, where indeed the prospect of getting your groceries means a car trip of 10, 15, perhaps 20 miles or more. What we have come to learn is that driving is not a privilege; driving is a necessity. It is a fact of life for so many people in the province.

Well, the government did a number of things. The government set up the Ontario Automobile Insurance Board, some \$7 million worth, which considered a variety of options. When that board recommended this option, the option that resulted in insurance premium increases anywhere from 17 per cent to 80 per cent, 81 per cent or 82 per cent for drivers in Ontario, that \$7-million investment on the part of the Liberals in Ontario was quickly scuttled.

The board was revived, and the board was asked to consider a number of American imports, American models, New Jersey and Michigan-type models that talked about things like thresholds; models that were imported from jurisdictions where the absence of health benefits was a serious problem and where the speedy provision of health benefits for injured persons was seen by some, at least, as a not unfair tradeoff for the right to collect compensation for other injuries.

What we have now is this government making a proposal about what it calls a no-fault system, what it calls a threshold system, what it calls new. There is not a lot that is new about so many parts of it. First of all, let's take a look at no-fault, because really, we have had no-fault, the way the government is talking about it, for the last 10 or 11 years. They are called schedule-C benefits under the Insurance Act. They have been in place for at least a decade. What it means is that you are purportedly or supposedly entitled to some wage

replacement. You are purportedly or supposedly entitled to some medical expenses, death benefits, in the event that happens, rehabilitative expenses, things of that ilk.

Now, mind you, 10 or 11 years ago when schedule C was implemented, wage replacement was stuck at \$140 a week and there was no indexing of that. That meant, as years went by from a decade ago to the present, that \$140 never changed. It never kept pace with the realities of people's incomes; similarly, with rehabilitative expenses and perhaps even death benefits.

So what has the government done? The government says it has introduced no-fault benefits. Well, all it has done is update these schedules, \$140 to \$350. It would have been at least that, had it been properly indexed at the time, in any event.

It has introduced a promise of medical expenses, mere months after it abolished premiums for the Ontario health insurance plan and, after much pressure from the opposition, ensured universal OHIP here in the province of Ontario and, indeed, removed subrogation of rights from the insurers so that there is a real and literal subsidy on the part of taxpayers and OHIP to automobile insurers as they now stand.

But what does the new plan mean? The new plan means that most people, and we are talking about 90 per cent to 95 per cent of innocent automobile accident victims, will receive absolutely no compensation for their pain and suffering—absolutely none. It means that people who are employees who work for a living will never be able to receive their full wage loss. The way the government has done this is by ensuring that you will never get more than 80 per cent, and the maximum is \$450 a week.

This new scheme on the part of the Liberal government means that if you are self-employed, you will be unable to recover loss of profit and losses associated with disruption of your business. That means that small business people could lose their businesses. They could suffer the shame and financial plight of bankruptcy and recover not one cent for those damages.

Again, we are talking about innocent accident victims. We are talking about the victims of negligent drivers, drunk drivers, people who, quite frankly, probably should not be on our highways. We are talking about a Liberal government telling drivers in Ontario that those of them who become innocent victims of motor vehicle accidents will be unable to recover for any serious physical injuries, including broken bones, scarring, torn muscles and the pain and

suffering that accompanies these types of injuries. The reason why is that this government says that before you can collect compensation for the pain and suffering associated with these injuries, for the loss of the enjoyment of life associated with injuries, the injuries have to be permanent.

Broken bones, scarring, torn muscles, the pain and suffering accompanying these are inevitably not going to be perceived as permanent. Indeed, the people who drafted this legislation—and we know who drafted it. I mean, this was penned by the insurance industry, and holy cow, this government is so far into the back pockets of the insurance industry that its members' mouths must be full of lint. This government has done everything but sit down and write and sell the policies for the insurance industry here in the province of Ontario.

Now the government is guaranteeing that injured people, innocent victims of bad and drunk and negligent drivers, are not going to be compensated for their pain and suffering and injuries. The government is guaranteeing that that is going to be a reality. The government is also guaranteeing that it is going to be a reality that the auto insurance industry is going to enjoy profits like it has never seen for a long, long time here in the province of Ontario.

Indeed this plan, this scheme—and it ain't much of a plan, it ain't much of a scheme if you are a consumer or if you are a driver here in Ontario—is designed to screw drivers but to ensure profitability for the insurance industry. This scheme from the Liberals means that you cannot recover anything—zero, zip, not a penny—for emotional and psychological injuries like depression, shock and anxiety.

Let me give members an illustration of that last situation. A mother crosses an intersection with her young daughter. A drunk driver comes through a red light, striking the daughter, killing the daughter in full view of the mother. The mother goes into nervous shock, suffers severe psychiatric illness in witnessing her daughter's death. This mother, who had worked, making \$25,000 a year, now cannot. It takes three years of psychiatric help before she is able to return to her work. She has no right to bring an action, because her disability is not physical in nature, but rather it is mental. The mother has no right to claim no-fault benefits, as she herself was not bodily injured by the accident.

There is a provision for death benefits, the death of a dependant, and she may be entitled to that modest lump sum, but her total recovery is going to be nominal, quite frankly. Her total

recovery from the Liberal government's insurance companies scheme is basically going to be, once again, zero, nothing, zip, in a system which ensures—the one the Liberals are not suggesting, the one the Liberals are not recommending, the one we are going to continue to fight for is a system that ensures that people are compensated for their pain and suffering, be it physical or emotional or mental.

This woman might receive damages for her pain and suffering in witnessing her daughter's death and suffering with a nervous breakdown in the range, perhaps, of \$40,000. This woman might receive repayment for her loss of income in the range of \$75,000. You are looking at a victim of a drunk driver or a negligent driver who suffers horribly at the hand, as you will, of that drunk driver; who, in an adequate regime and one that, I could tell members, we propose in a public, driver-owned automobile insurance system, would receive compensation for injuries in the range of perhaps \$100,000, because that is what those injuries are worth, if indeed they can ever be quantified in dollars and cents.

**Hon Mr Elston:** You do not know that.

**Mr Kormos:** In the system proposed by the Minister of Financial Institutions (Mr Elston) and the Premier and the Liberals, the one which is barely a response—well, it is not a response at all to the difficulties suffered by drivers in Ontario. It is a response to the pleas—not the pleas; the demands, I suspect—of the auto insurance industry. That type of victim would receive zero. I tell members that a system that is fair is one that ensures that insurance is available at affordable rates.

## 1520

A system that is fair is one that ensures that people who suffer loss of wages, people who suffer rehabilitation expenses, people who suffer those immediate out-of-pocket costs will be compensated quickly and speedily for those on a no-fault basis, regardless of fault, but that, similarly, people who suffer the pain and suffering that accompany so many injuries, people who suffer the loss of enjoyment of life, be it temporary or permanent, will be similarly compensated for that, and that if it requires litigation, if it requires access to the courts to obtain that compensation, the right to go to court, the right to engage in litigation will be retained.

I can tell members that the New Democratic Party proposes and advocates a system that is driver-owned, that is public, that is a nonprofit system, because that in itself ensures savings to the tune of millions of dollars a year to drivers in



provinces where public, driver-owned, nonprofit systems are in effect. It is a system that ensures speedy replacement of wages—not portions of wages, but real replacement for real losses by real people of real wages, something that the Liberals are not prepared to do by any stretch of the imagination; a system that recognizes that people do suffer at the hands of bad and drunk and negligent drivers and that the suffering is, however poorly, measurable none the less in terms of dollars and cents. It recognizes that the pain and suffering, be they temporary or be they permanent, should be compensated, that the loss of enjoyment of life should be compensated and that, as I say, the right to engage in litigation should be reserved.

This government has had the opportunity many times in the last year to take a look at models that are available to it of public, driver-owned, nonprofit auto insurance systems that guarantee that people are going to be compensated for pain and suffering and for loss of enjoyment of life. It has had the opportunity to look at models of these types of system and it has chosen not to.

It chooses not to do so at not just the suggestion but, I suggest, the command of the auto insurance industry here in Ontario, an auto insurance industry that has insisted for so long that it is going broke, that it is losing money, that it is not making any profit, but at the same time fights so hard and spends so much of its customers' money ensuring that it maintains its stranglehold on drivers in the province of Ontario.

We are talking about three provinces here in Canada—Manitoba, Saskatchewan and British Columbia—all of which have nonprofit, driver-owned, public auto insurance systems, all introduced by Co-operative Commonwealth Federation or New Democratic Party governments and all of which have governments that have been replaced by parties that were, during the course of the legislative discussion of these public schemes, so thoroughly, totally opposed to the prospect of public, driver-owned, nonprofit automobile insurance, parties that were adamant that this would foretell some great social disaster, but parties that, when they acquired power, none the less retained those very same public, driver-owned, nonprofit auto insurance systems.

Among them are some of the most right-wing governments this country has ever seen, governments like the Social Credit government of British Columbia, a government which some-

times appears to have so much in common with our Liberals here in the province of Ontario. None the less, in each of those three provinces we are talking about—in Saskatchewan, a public, driver-owned, nonprofit system that goes back well into the 1940s; in Manitoba and British Columbia, systems that go back into the 1970s, systems that have been retained by those political parties which, when they were in opposition, opposed them so vehemently.

Why? Because they work. Those parties know they work because they provide affordable insurance. Those political parties know that because they provide insurance fairly. Those political parties know that because they ensure that insurance is available to every driver in those respective provinces.

This government is engaging in more than a little bit of razzle-dazzle, more than a little bit of legerdemain, more than a little bit of smoke and mirrors. Sometimes people ask me why I wear cowboy boots into the Legislature. I explain to them it is because the crap from the other side gets so deep that if I wore regular shoes it would seep down into my socks.

It remains that this government has absolutely no interest in protecting the interests of drivers in this province. It has absolutely no interest in ensuring that they have fair, affordable, available, accessible automobile insurance. Its interest is to make sure that the automobile insurance industry, the private, big, corporate automobile insurance industry, is pieced off and taken care of.

The job of this government is to make sure that the \$100,000 and change that the auto insurance industry invested in the Liberals in the last general election is returned, if not in payment at least in kind. It is about time, if these people are really concerned about drivers in Ontario, that they start looking at a public, driver-owned, nonprofit system and that they start talking about drivers' rights rather than insurance companies' rights. It is about time they get down to doing it.

**Mrs Cunningham:** Our party will be speaking to the order by the member for Windsor-Riverside (Mr D. S. Cooke): "That this House condemns the government for its mismanagement of its responsibility for automobile insurance—specifically, its failure to make automobile insurance more affordable, more accessible and fairer." We will not be speaking to the second part of the resolution, but we would like to take this opportunity to get some of the public's concerns on the record.



I think the public concern, quite frankly, started some 17 months ago when the Premier promised a very specific plan to lower insurance rates and the Ontario Automobile Insurance Board announced its inaugural, benchmark, premium rate increase. That is really what it is all about in Ontario. The public, in looking at what it could afford and what it got in return, said, "We cannot keep up with the rising costs of car insurance premiums." The Premier recognized that and promised a very specific plan to reduce those premiums. What we are facing today is a plan by this government that in fact will not reduce the premiums.

It is just another example of the expectations raised during the election of 1987 by the Liberal Party as it campaigned across this province. As people look at their budgets—many of them are having trouble even purchasing car insurance these days—they are saying, "What will we do down the road if the premiums double and triple?" In fact, they are looking to this plan to reduce. What we do know is that that cannot possibly happen. What the public is very incensed about is the action by this government to look for input and then ignore it.

Basically, if we are looking at the reports that have been put together for the government, we are looking at some \$1 million or more for the Slater report, another \$1 million or more for the Osborne report and, more alarming, over \$8 million—we are looking at some \$10 million to \$11 million that the board and the two inquirers into the automobile insurance challenge have put before this government.

I suppose the public would be assured and satisfied if someone paid attention to the millions and billions of dollars worth of reports that this government asks for, but in this instance we have a blatant disregard for what I think is probably an extremely important report in this province, one that I think, given what we have heard around this province by all political parties and memberships, as well as certainly all members of the general public, is one that the Honourable Mr Justice Coulter Osborne from the Supreme Court of Ontario, a commissioner, of course, should be taking rather seriously.

I would think, after the two volumes and the very strong recommendations that were produced, that this government would be taking a very careful look at the recommendations, because in fact others use the Honourable Mr Justice Osborne's reports and recommendations, not just those particularly to do with automobile insurance, but over the years they have been used

as benchmarks to guide governments in the drafting of their legislation and to guide the legal profession as it tries to solve cases in the courts in this province and across our country.

#### 1530

I would like to read from a synopsis, the Summary of Findings and Recommendations. Finding 108 states, partially: "It is doubtful there would be any significant reduction in transaction costs in threshold no-fault. There is, hence, no cost-efficiency basis on which to proceed to threshold no-fault."

Another finding, 120, states, and I quote: "Threshold no-fault should be rejected because it is relatively inefficient and unnecessarily arbitrary. There will either be no or minimal savings on transaction costs in threshold no-fault."

These are very specific recommendations, but there is not a very specific plan on behalf of the government to reduce the auto insurance premiums as promised.

I am not certain that the public of Ontario would really be as incensed if in fact this government could promise that it would be keeping a lid on the rates that people would be paying. What we should be doing is taking a look at a way to solve the specific problems, and we are not. We are increasing the problems for the public and we are taking a look at accident benefits right now on paper. As we look at the current level and the new plan level, some people might get very excited. It is a very political plan, this Ontario motorist protection plan, a very political document with guaranteed accident benefits.

As we look at the income replacement, and this is for victims, of course, who have been disabled or who have missed time from work because they are recuperating, and we take a look at the current levels, what we are doing here is saying that the employed persons now can get \$140 a week for 104 weeks unless they are totally disabled. The new plan on the surface looks very good, \$450 a week capped at 80 per cent of gross income for three years, or life if totally disabled. That looks good on the surface.

The real problem, if one goes down to all the different categories, is the issue around long-term care. Right now, the current level is negotiated in the courts. If a member of the public is disabled, if a member of his family is disabled, if his neighbour is disabled, he has the right, for whatever reason, to go to court, and the final solution will be made up in a court of law.

For long-term care, for somebody who is bedridden, for someone who is totally disabled

and who cannot go to court, which will be the majority of persons, the new plan level is \$500,000. Right now the person has the right to go to court and ask for exactly what it would require to take care of him over a long period of time. Now, the government will say, "Oh, but people who are permanently disabled or people who are really tremendously disabled, disfigured, cannot walk, have problems speaking, cannot run their daily lives will be able to go to court," and to a point that is true.

But what the public should be very concerned about is who decides who goes to court. I can tell the members now that physicians basically decide who goes to court in this law here. The physician will be asked, "How disabled?" and will be given the responsibility of deciding who can go to court. And so instead of the courts deciding, we will now have physicians deciding in their office how much people can get as an income replacement. Whether they are students, unemployed, retirees, unpaid homemakers or employed, the physicians will be making up their minds as to what they will be recommending.

Why would the physicians in this province—as we have chatted around, because they have come to our office to tell us of their concerns—waste time talking about these kinds of issues when their real profession tells them that their responsibility is in the delivery of health care, not deciding for this government how much an accident victim should be paid because of a motor vehicle accident?

**Hon Mr Elston:** Judges and juries decide that.

**Mrs Cunningham:** No, judges and juries will decide on a very small group of people, and those people will be so disabled that the minister and I would never have a problem of deciding who they are. But judges and juries will never get to talk to the majority of people who are in the courts now, who have an opportunity to fight in a court of law. They may not be happy with their settlement, but they have had the right to go to court and have our courts decide; not a doctor in a doctor's office, not a doctor and an insurance agent, not a doctor and an insurance agent and a neighbour, but they have had a chance to go to court.

Interjection.

**The Deputy Speaker:** Order, please.

**Mrs Cunningham:** Because of that and because others feel the same way that our party feels, we have had a number of letters from members of the public as they relayed their concerns to us, most of whom I have asked to

write to their member of the provincial parliament in order to get a specific response. These are just a few of the letters, and if the government wants to sell this insurance plan—and I hope it will not try too hard because it is tremendously unfair—I hope over a period of time it will look at some amendments and changes.

I hope I can be reassured that there will be some changes in this no-fault threshold plan as those of us who have the opportunity, which we have not had, take a look at all the technical points. I myself am spending some time and plan to meet with the minister, who I am sure will be glad to meet with me as always.

**Hon Mr Elston:** I will meet with the critic. Are you the critic?

**Mrs Cunningham:** I have just been told by the minister that he will meet with the critic.

**Hon Mr Elston:** Are you the critic? You are the critic, I presume?

**Mrs Cunningham:** I think that is another issue: accessibility to ministers in this government. I ran for this political office so that I could speak to people who were elected. I hope the minister will take back those remarks.

**Hon Mr Elston:** You haven't answered the question yet. I asked if you were the critic because I understand you have displaced Bob Runciman.

**The Deputy Speaker:** Order, please.

**Mrs Cunningham:** I am the critic of all the ministers because I have been elected by the public to bring their concerns to the ministers. Therefore, I suppose that as long as I am a responsible critic and as long as I go to the different ministers with positive suggestions for improvement, the minister will be most happy to meet with me. I just take that as a given.

This letter was sent by one of my constituents to the Premier:

"Re: No-fault insurance."

"I have just learned that the Liberal government plans to continue to pursue its single-minded political agenda in implementing no-fault insurance. Two commissions set up by the government have illuminated the folly of such a course, yet your government has decided to forge ahead. As a lawyer, taxpayer and automobile driver I am fed up! Why don't you simply do the reasonable thing and adopt the recommendations of the Osborne inquiry and stop wasting our time and money."

**Hon Mr Elston:** "As a lawyer."

**Mrs Cunningham:** The minister says, "As a lawyer." It is interesting that the professionals



out there working to serve the public are the ones who are the bad guys when it comes to this government. We are dealing today with health care professionals who have been pointed to as the bad guys in the delivery of health care service by the Minister of Health (Mrs Caplan), just by the way that we do not have any communication back and forth that is meaningful and reasonable.

I would hope that this minister is not going to pinpoint the people who are responsible for playing a very large role on behalf of the public in fairness and in law. That is what is missing here. These people are the people who work on a day-to-day basis, and their job is fairness. If we cannot rely on our institutions, especially our judicial system, we are in trouble. So I hope that the professionals, who are trusted by the public—and those of us who do not have our trust hopefully will be doing something about that—who are doing their job on a day-to-day basis in an honest way, are the ones my remarks will be addressed to and about.

**1540**

We have another letter here. This is to myself in my office, again from some citizens in London:

"Dear Mrs Cunningham:

"We have never written before to a member of Parliament to express a view on any public issue whether it be a piece of draft legislation or otherwise, but we have been so devastated by learning the contents of the Liberal proposal for insurance reform that we are certainly compelled to write to you now....

"As you are probably aware, accident victims under our current system will eventually be fully compensated for all their losses, with partial compensation coming early on under the existing no-fault provisions."

**Hon Mr Elston:** That is not true.

**Mrs Cunningham:** The minister says it is not true. That is a fact, to a point. I would like to correct that.

**Hon Mr Elston:** That's right. There's no guarantee of full compensation and you know that.

**Mrs Cunningham:** No one could be fully compensated, and perhaps the word would be "fairly" compensated in the courts.

"Obviously, the current no-fault provisions, especially for a loss of income, need to be improved but not at the expense of an innocent victim's right to full compensation." That is what is being denied.

"The Liberal proposal eliminates an injured victim's ability to recover: "(a) any income lost beyond the first 80 per cent, up to a limit of \$450 per week"—innocent victims right now can collect more than that if they go to court—" (b) any loss of income-earning opportunities in the future."

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs Cunningham:** That is a real cause of concern for young people. Who will ever decide the loss of income-earning opportunities in the future for a very young person? They will never see the opportunity for a loss of income in the courts. Any young man aspiring to be a physician who was disabled at age 18 but who was not totally disabled or disfigured will not have the opportunity to go to court. Many of us have had first-hand experiences in this matter and I can assure members that is a real problem. I hope the minister is listening very carefully.

My colleague has already spoken to the compensation for pain, suffering or loss of enjoyment of life, and I am sure the minister would agree that is not a possibility now unless you are one of the people who can go to court.

Unless the injured person either dies or is catastrophically injured, none of those previous benefits because people did go to court, can be enjoyed, and I think life is here to enjoy. When they take away the future earnings of a young person with this no-fault threshold insurance, I cannot believe that the Liberal members really understand all the implications of this legislation. I hope this one will not be pushed through in the same manner that other laws have been pushed through since I have been elected.

**Mr D. S. Cooke:** Well, that's their plan: no public hearings.

**Mrs Cunningham:** I will tell the government: Get the doctors mad, then point fingers at solicitors, making all the professionals around here look like bad guys.

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs Cunningham:** The college professionals are out today. We have got a government that does not have a hope of winning next time around to complete its promises of 1987, because there is no way it can do it in three years in a responsible way.

**Mr Haggerty:** Dianne, are you speaking as leader now?

**Mrs Cunningham:** Not at all.



**The Deputy Speaker:** Order, please.

**Mrs Cunningham:** "The threshold for injuries that will still qualify an accident victim for full compensation requires that they sustain a 'permanent serious disfigurement.'"

How would members like to be able to be the person who has to decide what a permanent serious disfigurement is? In some families, it will be very much different than in other families, and at certain ages it will be different. Can one imagine the responsibility of the physicians in this province to decide that something is permanent and serious?

How do we decide what a "permanent serious impairment of an important bodily function caused by a continuing physical injury" is? To a six-year-old child, that may be quite different than to an 80-year-old adult. Do members know who is going to have to decide that? Physicians who are already so busy that they cannot in fact deliver health care in this province because of many of the red tape procedures and unnecessary legislation introduced by this government. I have been party to sitting to one of them more recently, and that is Bill 147 which cuts off services as opposed to expanding them.

"This legislation will have cruel consequences for people with serious injuries which are not permanent and for those with disfigurements which are permanent but perhaps not serious enough for the Premier or his minister for financial institutions" and whoever advises them. The minister will be the person who will have to make those decisions because he has taken the law into his own hands and has taken it away from the courts. That is what is happening in this legislation.

"What of the aspiring musician or surgeon who loses a finger or suffers a loss of sensation or mobility in a hand?" I would like that question answered.

**Hon Mr Elston:** It's covered.

**Mrs Cunningham:** It is not covered. If it is covered, you can answer this letter.

**Hon Mr Elston:** Send me the letter.

**The Deputy Speaker:** Order, please.

**Mrs Cunningham:** I am sorry. I apologize. I will give this letter to the Minister of Financial Institutions and I am absolutely most interested in his response to that question. You have taken yourself out of the realm, in responding to that question, not only of the courts, but of a human being, if you can answer it—"There is somebody else, but not us."

Interjections.

**The Deputy Speaker:** There will be no interjections and the member will address her remarks through the Speaker.

**Mrs Cunningham:** "What of the person with a broken back or broken thigh who does not make a recovery but only after months in hospital and then more months in rehabilitation?" What happens to that person? Is he permanently disabled? Who is going to decide whether or not that person with a broken back can even go to court?

**Hon Mr Elston:** Courts, courts.

**Mrs Cunningham:** Automatically a broken back goes to court? Is that what I just heard?

**Hon Mr Elston:** No, I said the courts will decide.

**Mrs Cunningham:** "The courts will decide." So that is the answer: automatically a broken back goes to court. "The courts will decide." We just heard the Minister of Financial Institutions say that. We have that one straightened away. That is great.

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs Cunningham:** "Also in cases below the threshold, the victim's immediate family members will lose their right to claim for the losses of care, guidance and companionship which were previously given by the victim."

That one, to many mothers out there and persons who have chosen to stay home with their innocent victim—often young children, often the elderly—who will compensate them as they have no choice but to stay home? Try to get a homemaker these days. We talk about homemakers week. You cannot get anybody to come into your house and take care of your loved one. Even if you could, who is going to pay for it? Oh, this government will pay for it.

According to its plan, it will pay for it. They get a capped income—the homemakers—of \$185 a week if they have to stay home and take care of their child. That does not work. That is only if the homemaker is hurt. What about the child? I do not see anything here. Child care: \$50 per child, a maximum of \$200 a week. Does that mean somebody is going to pay the mother \$200 a week to stay home? My goodness. What about somebody, \$50 a week a for child care? That is what you are going to get if your child is injured, \$50 a week? Come on. Answer that one.

**Hon Mr Elston:** No, that's not what that says. That's not what that's about, Dianne.

**Mrs Cunningham:** The minister can take the Hansard and answer anything he likes. If I am wrong, I will be the first person to admit it. These are questions I am posing.

"Drivers who cause accidents are currently taken care of with respect to their medical and rehabilitation needs and they receive some compensation for lost income, but why should their innocent victims be treated exactly the same?"

That is all they get. The victim gets the same as the driver who causes the accident. They "are currently taken care of with respect to their medical and rehabilitation needs and they receive some compensation for lost income." That is the driver. The driver gets that now, and the victim gets the same? Does the minister know the insurance companies are now selling riders? They are actually preparing for another level of insurance so that you can get money because this new plan level will not be fair or sufficient enough to cover their costs.

"Aside from these shortcomings, there is no evidence that motorists' insurance premiums will not increase to the same degree as they would have under our present system or under a system which would remain essentially the same but with improvements to the existing no-fault benefits. There will be a heavy cost to set up and continue the bureaucracy which will be required to run the new scheme," and I do not have to underline that.

### 1550

I could go on. I will just say that also because the disability insurers will be barred from recovering their payments in vehicle injury cases, the sickness and accident insurance many citizens now carry will become more expensive. The public gets to pay for this. They will be paying physicians to get letters stating the seriousness of accidents. The Ontario Medical Association has no idea what it is in for.

The public will pay because children who are ill will require more help at school. They may require some therapy, they may require some counselling, and so will families. The only place they will get it is to go to the public. They have no hope of going to the courts; 90 per cent of them have no hope of going to the courts. That is my figure, and I will be happy to take a look at the track record three or four years down the road. I am sure I am absolutely right and I will look at the track record down the road.

What does this do really? Nothing. It does not if you go back to, "We have a very specific plan to lower insurance rates." No way. There is

another promise. What does it really do? It takes away the right of individuals across this province to be reasonably compensated through the system of the courts for accidents and it gives every benefit to the driver who has caused the accident. There is nothing here for the innocent victims, especially young children, and I feel very badly that the minister is taking our remarks with tongue in cheek and not listening to the public.

I could go on and talk about other letters that say, "Threshold no-fault automobile insurance plans will not likely result in premium reductions" and "optional or 'choice' no-fault is not feasible." It would take us a few more minutes to go into that. I do not want to take up any more of our party's time, only to say that we are tremendously disappointed in this retrograde step on behalf of this government in solving a problem. That was increased auto insurance rates, and they have not addressed it at all. Instead they have mucked up a system that is basically working on behalf of the public.

**Mr Ferraro:** It is a pleasure for me to participate in this first, if you will, opposition debate under the new rules. It comes as no surprise that when it is an opposition day we are dealing with a motion that condemns the government. I would be totally shocked if it were to the contrary.

I do not normally take personal shots at colleagues, but I took note of the fact that the New Democratic Party member for Welland-Thorold (Mr Kormos) made reference to the fact that he wears cowboy boots. I think he alluded to the fact that he wears cowboy boots because manure runs downhill or because it is piled pretty high in this House. The only comment I wish to make in that regard is that it is a fact that the member for Welland-Thorold has worn cowboy boots long before he entered this esteemed chamber. In fact, I would be willing to bet that anybody who wears cowboy boots probably rides a horse and I would be willing to bet that his horse wears boots for obvious reasons.

**The Acting Speaker (Mr Cureatz):** Now, the member should not be inflammatory.

**Mr Ferraro:** I do not want to go any further, because he is liable to say something about the white part I have in my haircut or something, and that would be getting a little off topic.

Interjections.

**Mr Ferraro:** I want to say that when I listen to the member for Welland-Thorold and others in the New Democratic Party, it is very reassuring



to know essentially where they are going to come from. They have promoted and will always promote as a party the idea of driver-owned auto insurance.

Driver-owned auto insurance is nothing more and nothing less than a euphemistic slogan for government controlled and operated auto insurance, pure and simple. They allude many times to the fact that there are three provinces in the Confederation of Canada that have driver-owned insurance and that indeed when subsequent governments changed, they have not gotten rid of it.

That is very factual, but I would point out to the member as well, once again, that there are seven provinces that do not have driver-owned, publicly run auto insurance programs and that indeed it is, I think, a political fact that it is always difficult to get rid of something once it is in place.

The New Democratic Party members will often talk about the fact that, okay, we are in the pockets of the insurance companies, and many times they say that obviously to promote their own philosophical point of view. I think it is fair to say as well that not only is it factually incorrect on the part of my party, but the same allegations have been made by many vis-à-vis the New Democratic Party members and the fact that they get their marching orders from Gord Wilson and Bob White in the unions. So I can honestly say in this regard that the same allegations could be inferred in that regard.

The establishment of a government-run system, quite frankly, is nothing more than a knee-jerk reaction to the problem. A government-owned insurance company, nationalizing the insurance company would do absolutely nothing for addressing the problem of auto insurance premiums, absolutely nothing, because they conveniently never talk about the fact that it would cost hundreds of millions of dollars to set up a government-run auto insurance system.

Indeed they could refer to the cost to the taxpayers of those other three provinces and the fact that they have lost interest on the capital invested in those particular programs. They never mention the fact that there would be tremendous dislocation for the 40,000 workers in the insurance industry in this province. Very seldom do they talk about that.

I said, and I want to get back to it, that the establishment of a government-run system, because that is the essential debate here, whether you keep it in free enterprise hands or you go to

government control—I will say this about the NDP. At least they have a position. I listened very carefully to the member for London North (Mrs Cunningham) from the Conservative Party and being the good opposition member that she is, she attacked the government on various concerns pertaining to the issue, as is her job, but I do not recall hearing what the Conservative solution to it is. At least the NDP has one. It is the wrong one, but they have it. Either you take over the industry, you do nothing or you try to address the underlying problems surrounding the whole situation.

I want to address as well the concern often expressed by members in the opposition, and the media in fairness, about a statement made by the Premier in my neighbouring riding of Cambridge which is next to Guelph, where he indicated that indeed he had a specific plan to lower insurance premiums. In fact he has kept his word. If we know nothing else—and I remind members that all this discussion and Slater and Osborne and the Ontario Automobile Insurance Board have brought to the attention of all members of this House and of the public—

Interjections.

**Mr Ferraro:** Mr Speaker, I guess I have struck a nerve over there because, as difficult as it was, I sat here very quietly and listened to my opposition friends. I would at least think they would have the courtesy, and I know they will, to listen to me. Obviously they may only listen with one ear, but at least give me that courtesy with no interjections.

In any event, if we did nothing—all the knowledge that we have now in the government because, quite frankly, we knew nothing prior to 1985 about the insurance business. If you wanted information about insurance companies, you went to one company and you got one set of data and you went to another company and you got an entirely opposite set of data. We do know if we had not implemented the freeze or the limited premium increases that we did, rates would have been substantively higher. We do know, and I say in a nonpartisan way that indeed if we did nothing now, insurance premiums would be 30 to 35 per cent higher. We all can understand the political ramifications of allowing something like that to transpire. You do not have to be a rocket scientist to figure that one out.

**1600**

Never mind that the Conservative Party would say, "Well, that is fine, Rick. You shouldn't have stuck your nose in the private sector business at all." I say to you, Mr Speaker, that



same logic was discarded by the Conservative Party when it came to rent controls, and we all know again, and I am reiterating a previous statement, that they stole the idea from the New Democratic Party.

It is without question a reality that the Premier has lived up to his word. We froze rates and gave small increases, and I want to address the fact that no one who is knowledgeable about the insurance business in Ontario would suggest for a minute that insurance companies are not making money. Indeed, they are making money. That is good because they make money and they pay taxes and they employ people and they expand and all the rest of it, but it is factual that they are losing tremendous amounts of money in the auto sector. To suggest that they were not going to rise much higher and that indeed the Premier did not in essence live up to his word by keeping premiums lower, in my opinion, would be a false misrepresentation of the facts.

It is important that a few statistics be indicated. I said we are taking a concerted approach. We are, because the solution, to reiterate, of the government taking over the insurance industry is by no means dealing with the real causes of the problem. The causes are broad and, in that regard, I am proud to say that the minister and the government got together with a number of other ministries and we have a comprehensive approach.

Essentially, we have taken the approach that we have to improve the number of accidents that are being created on our highways. There has to be accident prevention. I remind you, Mr Speaker, that there were 203,000 accidents in 1987, which is the last year we had statistics for, and of those 203,000 accidents, 121,000 of them resulted in bodily injury. I would remind you as well, Mr Speaker, that the number of insured motorists in Ontario has risen dramatically, as has our population obviously. In 1978 we had 4.7 million drivers in Ontario, and last year we had six million and obviously more than six million drivers now.

So the first thing we have to address is the problem of accident prevention and bodily injury claims. Much is being made about the fact that, "Well, okay, you came out with threshold no-fault, Rick, and now you are going to not allow those who do not have serious injury or death to get some form of compensation." That is true. There is no question of that, but the reality of the situation is that we think quite frankly that it is a much fairer system. There is no question that there is a tradeoff.

I might point out that one third of all those who had a tort or a court action to get some form of settlement could either not prove that they were at fault or not identify the other person at fault. So one third were not getting access to the system in any event.

The other thing that should be pointed out, and it has been reported, is that if somebody started a tort action, and normally it took three years or a number of years certainly, when the claim was finally resolved, assuming people could wait that long to get some reimbursement, it has been reported that 30 to 40 per cent of that settlement went to lawyers. I can understand lawyers being somewhat upset. I would say in the same vein, however, that many lawyers are quite concerned that indeed their champion at this point in time for the cause appears to be the New Democratic Party.

The other issue we want to deal with, and some of my colleagues will speak to, essentially is dealing with other areas, and that is one of property damage, regulatory reform and consumer protection.

A brief point I wish to make is that we have established a new insurance commission which is a consolidation of the Superintendent of Insurance, the Ministry of Financial Institutions and the old Ontario Automobile Insurance Board. The mandate of that commission, quite frankly, is quite broad and, hopefully, will result in—not hopefully; I am sure it will—better monitoring and enforcement of some of the new rules that we are establishing.

Another point I wish to make that is of particular importance to people, aside from the fact that in urban areas we are told they will now be subjected to an average rate increase of eight per cent and if you are in a rural area, essentially, no rate increase for the next year, in keeping with the Premier's indication prior to the last election, the claims will be settled within a 10-day to 30-day period. I think that is very important because the claims not only will allow people to get on with their lives but indeed will let them get the proper compensation and rehabilitation and much-needed medical attention that they deserve, and more quickly.

I suggest, with great respect, that my fellow colleagues in the Liberal Party will be indicating to a greater degree some specifics of the program, but I will conclude by reiterating that we could have done nothing, which I think is what the Conservative Party is promoting because I have not heard where it is coming from. We could have taken over the auto insurance

business and indeed nationalized it, which of course is not to the liking of the Liberal Party. We still believe in the free enterprise system. But what we have done is taken a comprehensive approach to dealing with the issue and, hopefully, history will prove that it is the right one.

**The Acting Speaker:** I do not know whether it was because he was so controversial or other members were so sensitive, but I know that unnecessary interjections will not be taking place to such a degree as they were while the member for Guelph (Mr Ferraro) was speaking. At this point in time, it gives me nothing but great pleasure to recognize the member for Cambridge.

**Mr Farnan:** The motion before the House requires that the House condemn the government for its mismanagement of its responsibility for automobile insurance and raises two grounds upon which the government may be condemned. I want to take both of those in turn.

The first ground, it says, is "specifically, its failure to make automobile insurance more affordable, more accessible and fairer." This focuses the debate, in my mind, in terms of consumer protection. I will read that again: "specifically, its failure to make automobile insurance more affordable, more accessible and fairer." And so it is that we look at this piece of legislation through the eyes of the consumer.

I go back in time a little and I say that the consumers of Ontario have been the victims of misleading advertising. It was in the great riding of Cambridge, just three days before the last provincial election, that the Premier made his oft-repeated statement, "I have a very specific plan to reduce auto insurance premiums."

I want to look at that statement a little more carefully than has been done up until now and to see exactly what that statement would mean to the consumer. The consumer, who was about to vote three days later in the election, looked at the statement of the Premier and the statement said, "I have a very specific plan to reduce automobile insurance premiums."

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The consumer might logically conclude, I put it to you, Mr Speaker, and I know you will agree because you are a very logical individual, that because the Premier said that, his plan would mean that insurance premiums would actually go down. The consumer might also be excused if he concluded that benefits would remain on par. The consumer could conclude two things, that premiums would be reduced and that the benefits would not diminish.

Perhaps I can put this in a simpler form. If we were talking about a box of cereal that was priced at \$4 two years ago and one attempted to sell the product today for \$5, while at the same time reducing the amount of cereal in the packet to one tenth of its original contents, we would call that a ripoff. The consumer would conclude that the price had gone up and that the amount of the product received had gone down substantially. In arguing that the government deserves to be condemned, I put it to this House that in fact this is precisely what has happened within the automobile insurance industry.

Let's be very clear that premiums continue to escalate. It was extraordinary to me that the member for Guelph, a good friend I have to say, would have used the argument only moments ago that the Premier had kept his promise because the price was going up only a little bit. I would suggest to the members that it has not just gone up a little bit; it has gone up a little bit and a little bit and a little bit and a little bit, and with all the little bits, the 4.5 per cent, the 4.5 per cent on top of that, the 7.6 per cent on top of that and the eight per cent within this new package, we are now talking about an accumulated increase of some 25 per cent.

I suggest again that the member for Guelph is out of touch with the reality of consumers. When they look at any product and see the price go up in two years by 25 per cent, in the eyes of consumers that is a very significant increase. I also put it to this House that not only is it a very significant increase to raise the price of a product 25 per cent in two years, but that when you reduce the amount in the package, when you reduce the benefits that are available for that increase in premium, then you are actually reducing the product to the consumer for a significant price.

We are not talking about reducing the product in a minor manner. I am talking about reducing the product significantly. This new legislation strips the consumer of 95 per cent of the protection that is currently enjoyed by automobile consumers in this province. This Liberal government strips away the rights of consumers to recover damages in almost all cases if you are injured in a motor vehicle accident in Ontario.

I want to read into the record just the extent of the deduction in coverage that the consuming drivers of Ontario will face. Under the proposed plan, the consumer will get nothing for pain and suffering as a result of an accident. If the consumer is an employee, he will be unable to recover full loss of his or her wages. If the



consumer is self-employed, he will be unable to recover loss of profit and losses associated with the disruption of his or her business. Indeed, the consumer of auto insurance premiums could lose his or her business and recover nothing.

The consumer will be unable to recover for many serious physical injuries, including broken bones, scarring, torn muscles and pain and suffering that accompanies these and other injuries. No matter what the consumer earns, the most he or she can hope to recover under this plan is \$450 per week.

There is one exception to the group, those consumers who die, those consumers who are killed in the accident. They will not suffer any loss of claims, but it may be a little bit too late for them now that they are dead. For those who are injured and who are close to death, they may not suffer under this legislation, but for 95 per cent of the driving public of Ontario, their rights have been stripped away.

In a nutshell, what is the measuring rod of consumers? The measuring rod of consumers, I put it to the members, is value for dollars. The chairman of the Committee for Fair Action in Insurance has this to say: "It would mean less money for accident victims and higher insurance premiums for all Ontarians. The end result will show that we are paying more and getting less return for our dollar."

Consumers understand that. The Premier, for example, in his reaction to the legislation says, justifying the legislation, "It allows for a new product that protects people and keeps rates affordable." We have been through this. It is a new product. It is a vastly inferior product and rates affordable to the Premier of Ontario may not be rates affordable to the drivers of Ontario. There is a difference between the affordability of a man who is independently wealthy and the ordinary driving public of Ontario.

Consumers are extremely wary. They know the debt that the government of Ontario, the Liberal government, owes to the insurance industry. They are aware of the extraordinary intervention of the insurance industry in the last provincial election. Let me suggest that consumers are looking at the reaction of the insurance industry to this legislation, and here is the reaction.

Bill Weafer, senior vice-president of Guelph-based Co-operators General Insurance Co, from the riding of our previous speaker, says, "the move towards limited no-fault insurance is good for the motorists and the insurance companies

can live with it." Cannot the members see the smile on their faces?

Serge LaPalme, president of Gore Mutual Insurance Co of my home riding of Cambridge, said he was "especially pleased with the government's effort to reduce accidents," but catch this: "The rate increases planned for next year, however, are not acceptable. Premiums will remain inadequate." So even with the 25 per cent, the auto insurance industry is already paving the way for further increases. The escalation, the spiral will continue.

Leonard Latham, president of the General Accident Assurance Company of Canada, says of the plan, "It is something we can live with although it is too soon to tell if the increases will be adequate." Again, they are staking out their ground. Jack Lyndon, president of the Insurance Bureau of Canada, said, "It is without question an improvement."

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The Consumers' Association of Canada in the final analysis will look at this legislation and will decide to support it on its fairness and value. They do not need the insurance companies to tell them whether it is fair or whether it gives them good value. Indeed, a spokesman of the consumers' association of this province and of the Committee for Fair Action in Insurance are also clearly pointing out that it does not give consumers protection. The consumers' association knows that the Premier had no plan. It is obvious that this Liberal government is intent on catering to its friends in the insurance industry.

Very simply, as this government puts the money into the pockets of the insurance industry on the one hand, it is taking it out of the pockets of the drivers of Ontario on the other hand. The consumers of Ontario are being ripped off to pay off the election debt of this Liberal government. It is as simple as that. Before I conclude, I want to add that there is a necessity for public hearings. We have to go out. We have to listen to the people.

Finally, I am going to spend one minute on the second part of the motion. It says we condemn the government because it has not instituted "a system of driver-owned insurance for the people of Ontario." I cannot really condemn the government on that, and the reason is this: When the Premier said he had a plan, he was running on some plan. I do not know what that plan is. I do not think anybody knows what that plan is. If in fact his plan was a driver-owned insurance scheme, then we could condemn him on it.



However, the reality of the matter is that this House in good conscience, and this House representing the voice of the consumers of Ontario, can eyeball the government and say to it: "You did not do what you said you would do. You have failed to make insurance more affordable. You have failed to make insurance more accessible. You have failed to make insurance fairer. You deserve to be condemned." Certainly, I know that I and my colleagues will vote in favour of that motion.

**The Acting Speaker:** I thank the honourable member for Cambridge. At this time the chair would like to recognize the honourable member for Leeds-Grenville.

**Mr Runciman:** Thank you, Mr Speaker, and this is the first opportunity I have had with you present in the chair to extend my personal congratulations. I am looking forward to your efforts in your new capacity.

I want to say at the outset that we certainly appreciate some of the wording of this motion put forward by the New Democratic Party, but we are not going to be able to support it. Of course, it is not because we support the government's activities with respect to automobile insurance over the past four years, but we are not, have not and will not be supporters of government-run auto insurance and that is clearly what is incorporated in this motion today.

Back in the fall of 1987 I made a prediction, a three-step prediction, if you will, indicating that this Liberal government would first establish a rate-setting authority, which it did through the Ontario Automobile Insurance Board, and that the second step in the three-step process would be the introduction of no-fault auto insurance. We have now seen that come to pass. The third step, if this government remains in office or if we end up with a minority government, a Liberal government supported by my friends to the right, we are going to be faced with a third step in that prediction in 1987, and that is a government-run program.

We have seen this government sort of stumble from crisis to crisis in automobile insurance since the fall of 1987, sheer chaos with two ministers of Financial Institutions who have had other responsibilities, and that may be one of the reasons behind the fact that there has been this sort of seat-of-the-pants ad hoc crisis management approach to automobile insurance. We have had first the current Treasurer (Mr R. F. Nixon) having that capacity, with the significant responsibilities, and now the Chairman of Management Board (Mr Elston) as well. I do not

believe the issue has received the kind of attention through executive council representation that it perhaps should have.

I am looking at the way this government has handled this in a very ad hoc, irresponsible way. I think in many respects it is a textbook case of government mismanagement, and in many respects, of government deceit. I say that quite seriously. I am not trying to be political, although that is certainly part of my role here. We have heard ad nauseam comments about the Premier's promise in September 1987. It is quite clear he did not have a promise, that he had no real plan, no real hope of fulfilling that promise. It was made out of political expediency to try and put a significant issue behind him and in effect to con the voters of Ontario.

I am afraid that what is occurring with the introduction of this threshold no-fault proposal is another attempt by this government to once again insult the intelligence of the electors of this province, to once again try and con them into accepting the fact that this government is moving in their best interests with respect to the auto insurance issue. In fact, we know that is not the case. We know there are all kinds of problems and concerns inherent in this proposal that the government is trying to conveniently ignore.

Those guys against the floor amaze me in respect of the fact that they seem to have no sense of embarrassment over the way they have handled this issue over the past four years. They simply shrug it off. I think the polls, if nothing else, indicate that people out there are slowly but surely becoming cognizant of the fact that this is a sham, that the government really has no plan, that it is not operating in their best interests.

**Mr Chiarelli:** What polls are you looking at?

**Mr Runciman:** The Angus Reid poll is the poll I am referring to. That certainly has dealt with a whole range of issues, and automobile insurance was one of them where the government was found wanting.

We take a look at the question of tax dollars that have been wasted over this period of time. I know a number of colleagues have mentioned the fact that we have had the Slater commission and that we have had the Osborne report by Mr Justice Osborne. Then we have had the \$7 million or \$8 million poured into the toilet at the Ontario Automobile Insurance Board. That is just the beginning. We really do not know the cost of other matters that are behind closed doors and perhaps not easily available to us in the Legislature, let alone the public at large.

I know, for example, that when we went through the Bill 2 hearings in 1987-88, the government hired a consulting firm to take a look at the insurance industry. It came back with a whole host of recommendations and concerns about what the government was doing, pointing out that the only jurisdiction with a comparable approach was the state of Massachusetts, which was in utter chaos with over 60 per cent of its drivers forced into Facility, and that was the kind of prediction facing this government. That money, spent on that report, to indicate to them that they were going in precisely the wrong direction, was thrown out the window; again, as I said, flushed down the toilet.

We have seen a host of other reports. The Ontario Automobile Insurance Board itself, which was supposed to be an independent body—in fact, we had the former Minister of Natural Resources, the member for Niagara Falls (Mr Kerrio), who has now left the chamber, publicly chastised by the Premier for suggesting that if the rates went above a certain level, the cabinet was going to intervene, that the cabinet had final authority with respect to setting automobile insurance rates. He was publicly rebuked by the Premier, and the minister was humiliated and had to make a public apology.

#### 1630

What in fact happened? Again, we had a study done by a consulting firm that said that changes in risk classification were going to create all sorts of significant dislocation out there in the market, that you were going to find seniors faced with 100 per cent and 200 per cent increases and that other good drivers in society would be faced with those kinds of unfortunate increases if the government went ahead—until the final report came out. Then they proved the former Minister of Natural Resources right. He was telling the truth all along. He told it like it was. Yet, his colleagues in the executive council, the Premier, had the audacity to publicly rebuke him and force him to apologize. We did not see the Premier or his colleague the Minister of Financial Institutions apologize publicly to the minister. They probably never apologized to him privately either. Those are the sort of people we are dealing with.

We have had the board humiliated on a couple of occasions. Certainly the risk classification was the worst one where the chairman of the board, Mr Kruger, was forced to eat humble pie publicly. I think a number of other individuals in that role, and I have said this in the past, would have resigned but Mr Kruger, for reasons known

best to that gentleman, has decided to tough it out, take a few kicks in the kneecaps and soldier on. As I said, most individuals facing that sort of public humiliation would have stepped aside.

We have talked about the fact that the changes in risk classification and the minister involving himself in the rate-setting process last summer not only resulted in severe problems for the board in terms of its public confidence, but it also obviously resulted in serious problems for the insurance industry itself. I have heard estimates that the insurance industry lost close to \$150 million because of that exercise of preparing for the new changes in risk classification, computer programs, etc, that were put in place, and then the government made that flip-flop and that money went down the drain for all intents and purposes.

There may be a connection between that \$150-million loss and the figures we now hear about in respect to the insurance industry being given by the government \$143 million through a tax rebate and OHIP payment relief. That may be the government's attempt to placate the industry in respect to those significant losses suffered by its flip-flop on risk classification.

In respect to the threshold no-fault approach, the Progressive Conservative Party cannot accept the concept that no individual should have to be liable for his own actions and that the cost of any risk should be distributed among all members of society. I think we all agree that this is a litigious society, but we urge the government to look at the system and correct it through tort reform and not through what we believe to be legalized abdication of responsibility. The threshold no-fault approach is a position and a thrust by the government that we will not, and cannot, support. We simply do not buy it. In this party we believe in the ethic of responsibility—that individuals must face the consequences of their own actions.

If we look back at the Honourable Mr Justice Coulter Osborne's Report of Inquiry into Motor Vehicle Accident Compensation in Ontario, he made essentially the same kinds of comments in respect to the changes proposed by this government. I would like to put that quote into the record. All I have to do is find it. I am quoting Justice Osborne, for the benefit of Hansard.

"The public sense of justice of what is fair and reasonable must be taken into account. The moral values implicit in tort law seem to me to be both understood and agreed to by a substantial majority of drivers who may not know what tort means or what tort law is, but who do appreciate



what it stands for. As related to motor vehicle accidents, the public understands and accepts the rules of the road. The concept of some individual responsibility for individual actions is central to what reasonable people regard as just."

We wholeheartedly agree with Justice Osborne. Of course, we wholeheartedly agree with much of the report the justice made in February 1988. Of course, if one looks back at this whole sad story in respect to how the government has approached this, if it had not jumped in with both feet in the fall of 1987 in its effort to try to meet the hollow promise of the Premier and had instead waited for Justice Osborne to report, we perhaps would not be in the mess that we are in currently.

Osborne made significant recommendations in view of how we could change the current system: tort reform, a significant improvement to no-fault benefits currently enshrined in the Insurance Act. The overall effect of the changes that Justice Osborne suggested back in February 1988 would have resulted in an average reduction in auto insurance rates across the province of \$53, a rate decrease if indeed we had taken enough time, had been patient enough to wait for six or eight months for Justice Osborne to table his report and then follow those very excellent recommendations and suggestions. But instead, we headed down the road which I think inevitably is going to lead us to government-run auto insurance. I know one of the government speakers was talking about a former Conservative government bringing in rent controls and sort of trying to suggest that—I am not sure what he was trying to suggest. It is difficult to ever know really what that particular member is thinking about.

**Mr Philip:** Who voted for the last rent review act?

**Mr Runciman:** I am not going to get into that interjection. We can talk about it later on, if you wish.

**Mr Philip:** The Liberals and Conservatives brought us the last memorable event.

**Mr Runciman:** The member for Etobicoke-Rexdale is suggesting that he—perhaps he does not support rent controls any longer. That would certainly be a shock.

I want to suggest that once you enter that slippery slope it is very difficult to extricate yourself and we certainly have seen that in respect to rent controls. I think if you look at the original thrust of rent controls it was to be a two-year program, when they were brought in in 1975 or 1977. As I said, once you start down that

slope it is pretty difficult to pull back politically. That is the direction in which the government is headed with respect to automobile insurance.

We talked about the three provincial governments that are involved in state-run, government-run programs now and the fact that some of them have Conservative governments and have had Conservative governments. Again, we had those witnesses appear before us at the justice committee in respect of Bill 2, and again it is indeed a political problem. It is tough once you get on to that road to pull out and pull back, despite all the problems it may create for all of us and like the problems that rent control is now creating in respect to the availability of affordable housing in this province. But what have we seen the Liberal government do in respect to rent controls: expand the program to cover all rental housing in the province. That is this free-enterprise government that the member was boasting about.

I would talk about rates and how they are going to be affected by this no-fault proposal. It has been pointed out by other speakers that we have had significant increases that are in the neighbourhood of 20 per cent since the Premier made his hollow promise in 1987. Now the minister is suggesting that we are going to be looking at an eight per cent average increase in respect to no-fault. I think perhaps the key word is "average" in respect to that. I would like to quote a senior official of the insurance brokers' association, "We know that the eight per cent refers to the core product, the core product, not additional coverage such as optional collision, which accounts for about half of all premium costs or comprehensive insurance."

The reality is that the eight per cent that the government is talking about as an average does not include coverage such as optional collision or comprehensive insurance. We are talking about coverage that accounts for about half of all premium costs and is not going to be covered by this eight per cent. That is something the government is not talking about again. They are trying to buffalo the voters, the consumers of this province, with this eight per cent figure, hoping desperately that they can get through this period of time, through the next provincial election, and then will try and deal with it when it comes upon us again with some sort of ad hoc approach at that particular point in time.

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The other matter we talk about in respect to this supposed eight per cent figure, which is really a laugh, is the fact that we have seen all kinds of instances in respect to caps being placed



on over the past two years and caps simply do not work. What we have happening is that insurance companies will reunderwrite. They will put drivers into different categories, if they have had one accident or two accidents. They will refuse to offer insurance, which is happening on an increasing basis, refer them to a sister company at higher rates or, even worse, they stick them in the Facility Association, which is an insurer of last resort, and you are looking at increases in the neighbourhood of 30 or 40 or 50 per cent.

We have doubled the number of drivers in Facility in the past year and a half. We have, I think, in the neighbourhood of 50,000 plus drivers now in Facility, and we are going back to the predictions made in 1987 when we looked at Massachusetts that now has 60 per cent of its drivers in high-priced Facility. That is the direction this government is taking us in.

The member for Cambridge was quoting the president of Gore Mutual, who happens to be a personal friend of mine, and he was saying that the eight per cent is not enough. Of course, he is looking at the eight per cent not being enough even though half the premium costs are not going to be affected by that when we look at the fact that it does not cover optional collision or comprehensive insurance.

I think that the consumers of this province, the drivers of this province, are going to be facing significantly higher increases than the bill of goods the government is try to sell them at the moment. Who knows what the timing of the next election is going to be, but perhaps that will come back to haunt them before the next election. But I can see them attempting to counteract any negative public pressure by again coming in with some sort of interim increase, some sort of cap to try and tide them over through the next provincial election. What in effect that is going to do again is force more of the private sector companies out of this province, out of this market and force us more and more into a corner where we are down to the position at some point in the future where if indeed this government is in power, the option they are going to move towards is government-run auto insurance.

The insurance industry is being generally supportive of this proposal. I can understand that. We are dealing with a majority government. We are dealing with something that they hope is going to be helpful, but I think that in their own best interests, if they look down the road in respect to how this government has dealt with this issue for the past several years that they have to know, they should know that they are in very,

very serious trouble if the folks over there continue in government and continue with their seat-of-the-pants approach to policy-making in respect to automobile insurance.

Another element of costs, which again perhaps the minister will touch on, is the fact that hopefully the no-fault plan was going to reduce court costs, it was going to reduce litigation, but I think initially everyone agrees that we are going to see significant numbers of court challenges in respect to the threshold, in interpretations of the threshold. So that for a period of years we are going to see the courts as busy with insurance matters as they have been under the current tort system. I doubt very much that we are going to see any significant reduction in those costs for a period of time. So that again that is going to have an impact on the rosy glasses approach that the government is taking in terms of the kinds of increases that will be coming forward in the next period of time.

I want to talk about driver safety as well. This is an element that the government with its big press conference of several weeks ago tried to make a lot of noise about, but in effect it is not really doing too much and, in fact, what it is doing is going against the recommendations of virtually everyone in respect to no-fault auto insurance and the impact it is going to have on accident frequency in the province and on the numbers of fatalities that will result from that increased accident frequency.

I will quote the automobile insurance board. The board was of the view that the adoption of a threshold plan would result in an increased accident rate and predicted that even modest increases in accident frequency—five to 10 per cent—would eliminate any rate reductions associated with threshold plans; so we have the government's own board telling it, along with a host of other experts, that accident frequencies are going to increase and the board is saying, "Even with a minimal increase in accident rate frequency, you are going to eliminate any rate reductions that are associated with threshold."

Let's hear the minister respond to that particular concern of his own board and of numerous experts. If we look at the Quebec experience, that has been exactly what has happened in Quebec with the no-fault program—an increase in frequency, an increase in fatalities—and the government is ignoring that and coming forward with this lightweight baloney in respect to what it is going to do to improve the safety situation on the highways in this province. That is what it is.

On one hand they are going to increase the accident-rate frequency by a significant number. Everybody says that. Their own board says that, and they are trying to counteract that by increasing the number of highway patrols, increasing fines for speeding and having a safety belt public awareness program. Come on, let's do something meaningful in respect to highway safety. Let's look at some of the real problems out there: What about teenage drinking and driving? What about looking at automatic suspensions for anyone, a teenager involved in an accident where alcohol is involved in that accident?

If we look at the number of fatalities in this province involving drinking, they very much involve teenagers. They are by far the highest percentage in respect to fatalities on our highways involving alcohol. That sort of problem should be dealt with, the problems of the highways themselves, the infrastructure. If we look at the one, in the Woodstock stretch of Highway 401, over 1,000 accidents, 21 people killed between 1984 and 1988. The Minister of Transportation (Mr Wrye) is here. I am sure that he is going to deal with things like that across the province, the very real problems with the highways.

I think that again, the government is moving in a wrong direction. The People to Reduce Impaired Driving Everywhere, PRIDE, have indicated their opposition to this effort, this no-fault thrust and concept. They think it is going to have a very negative impact on automobile accident frequencies in the province.

Finally, I want to talk a bit about the government-run aspect and the fact that although we agree with much of the wording of the New Democratic Party motion, we cannot agree with that particular aspect of it. We know that our friends in the NDP, the only time they support government intervention is when the Toronto Transit Commission goes on strike; or do they? No, I guess they do not support government intervention; that is the only time they do not support government intervention. Otherwise, they are all for government intervention in virtually every sector of the economy, I guess. They would probably nationalize Burger King if we gave them an opening.

I want to talk about that, that government-run auto insurance. I have talked about the fact that once you get on to that slippery slope, it is politically difficult to extricate yourself. It becomes a very political exercise. During the Bill 2 hearings, we had witnesses from Saskatchewan

who were telling us that every second auto insurance claim—get this, every second auto insurance claim—results in a ministerial intervention. That is how politicized the system has become and that is where they are going in respect to getting involved in government-run auto insurance.

We do not have the competitive pressures with a monopoly and the advantages of potential savings that go along with competitive pressures. We are going to have prohibitive startup costs. We do not know the implications in respect to the free trade agreement, but there are comments in respect to the free trade agreement that insurance companies operating in the province would have to be compensated. I recall the Attorney General (Mr Scott) during the free trade debate expressing concern about that element of the free trade agreement, that it would make it difficult for the Ontario government to nationalize the auto insurance industry.

Lower premiums under a public plan—and this has happened in the west—are frequently illusory. They are subsidized by higher taxes. They have hidden subsidies such as free police and medical reports and they really hide the true cost of a public plan.

#### 1650

We have supported the recommendations made by Mr Justice Osborne. We are also very much attracted to the freedom-of-choice option which will indeed offer consumers the option of a no-fault program or a tort plan. What that in effect does is, it takes it out of politician's hands and puts it where it should be, in the hands of consumers.

I regret that because of the wording of this motion we are not going to be able to support it. We certainly strongly condemn the actions of this government. We think they have indeed deceived the public in respect to their activities over the past number of years and, in fact, we think this no-fault program, the eight per cent they are talking about again is a shameful effort to deceive the public of Ontario.

**The Acting Speaker (Mr Breaugh):** The member for Algoma-Manitoulin.

**Mr Brown:** Mr Speaker, I would like to congratulate you on your appointment to the chair.

I rise today to share a few thoughts on the very complex and important topic of auto insurance. Virtually every jurisdiction on this continent is grappling with the need and the importance of presenting a fair, affordable product to the drivers of vehicles.



We have seen an unacceptable rise in insurance claims and, therefore, an unacceptable rise in rates in this province, as has virtually every province or state on this continent. Whether we talk about Florida, Michigan, Manitoba or California, the problem is all the same. The increased numbers of claims and the increased amount of settlements has driven the cost of insurance ever skyward. If Ontario were to have the present system in place, our drivers would see increases of between 30 and 35 per cent this year. Clearly, that is not acceptable to consumers.

It is also not acceptable to continue to see up to one third of the drivers in accidents not adequately compensated because either they were at fault, fault could not be determined or the cost of going to court was prohibitive. This often results in innocent families at risk of having lifelong debt.

I am a member representing a large northern Ontario constituency. I know that my constituents are very interested in this issue because northern Ontarians need their vehicles. They must have their cars. They must be able to operate their cars. Public transportation, where it exists, is usually inadequate. If you wish to go to work, if you wish to go shopping for groceries, you must use your car. Therefore, in my riding, a good, affordable insurance product is especially necessary.

None the less, a good insurance product by itself will not bring down rates. Until the cost of settlements is controlled, until the cost of payouts is controlled, insurance premiums will continue to rise. The only way to reduce payouts is to moderate the number and severity of accidents.

Therefore, I would like to briefly examine the issues of deterrence to bad driving and accident prevention. These are important factors in reducing the risk on the roads and therefore the cost of insurance. The Ontario motorist protection plan is not designed to protect bad drivers. In fact, they will be penalized more than ever. Deterrence will be a key component of the new system. Fault will continue to be used for rating purposes. That means good driving records will be reflected in preferred insurance rates and bad drivers will be paying higher premiums.

Additionally, the plan recognizes that the cost of insurance is directly related to the number and severity of accidents. A reduction in the accident rate is the only way to hold down premiums, but this cannot happen immediately. It will require long-term and ongoing initiatives.

Under this plan, people convicted of drunk driving will face severe sanctions, fines, jail

sentences and substantially higher premiums. A new program for repeat offenders will require them to seek treatment and provide proof of effectively dealing with their problem before their licences will be reinstated.

Speeding has been cited as one of the largest single factors contributing to serious accidents. Therefore, speeding fines will be more than doubled. Fines for other traffic offences will be raised. There will be increased enforcement on our major highways by the OPP.

Driver safety promotion will take place in the workplace. A province-wide education campaign to encourage the use of seatbelts will be introduced. A 10 per cent increase in usage could save as many as 80 lives and prevent more than 1,300 injuries every year. An education campaign to encourage motorists to drive with their headlights on at all times will be introduced.

Highway improvements, including the construction of new median barriers and the paving of more road shoulders, will be done. New traffic management systems will be tested and implemented. Lane control signs, advanced computer systems, vehicle detectors and closed-circuit television and other innovations will be adopted to improve safety and efficiency on Ontario's highways.

Some have suggested here that reducing the amount of litigation in the system, as the plan proposes, will lead to greater irresponsibility and recklessness on our roads. This is just not true.

**Mr Faubert:** Poppycock.

**Mr Brown:** That is right.

Has the threat of lawsuits ever acted as a deterrent in the current system? Certainly not. The number of accidents and injuries has continued to rise in spite of litigation.

The government rightly believes that the best deterrence to bad driving comes from criminal sanctions, higher insurance premiums, vigilant enforcement and better education. This is just one component of the Ontario motorist protection plan. It is very important that people understand that a no-fault system still has deterrence.

I will yield the floor to some of my other colleagues who will bring forth other parts of the protection plan.

**Mr Pouliot:** Mr Speaker, first let me add my congratulations to the many which I am sure you are receiving on your appointment as First Deputy Chair of the Committee of the Whole House.

I remember very, very vividly the eve of the last provincial election, held on 10 September



1987, when I was campaigning in northwestern Ontario in what is the largest riding in the province of Ontario. The reason I remember so vividly is because I have a very clear recollection of what arguments and questions confronted candidates from all three major parties as they did canvass literally door to door. People wanted to know about automobile insurance.

I recall on that last day saying—because I do have a lot of respect for the office of the Premier and respect for the person who presently occupies that office and I too believed, candidly, that a plan was being put in place, a secret plan, mind you, to save the drivers of Ontario a good deal of money. The plan was supposedly intended to reduce the burden of high premiums.

It was to be some months after the last provincial election that I and other citizens of the province realized that there was really no such thing and that what you had was a ploy, not a plan but a ploy, and not a secret ploy but an invitation for the people of Ontario to be lured to cast their ballots for the Liberal Party of Ontario on the basis of the belief that car insurance would cost less.

An additional reason perhaps why I was taken in is I was very much aware that the riding the Premier represents is blessed, if you wish, with many head offices of insurance companies. So I said surely the Premier would know, perhaps better than anyone, that when you go to Toronto or London, many of those skyscrapers were built by premiums, were built by profits not by losses.

The Premier, therefore, being fully cognizant said, "We are going to give the taxpayers of Ontario, the motorists of Ontario, a break." He went on record and said, "I have a plan that will lower"—and that was in 1987, more than two years ago—"the amount of money that you have to pay to buy protection."

**1700**

Obviously the people of Ontario believed that such a plan was in the making. Needless to say, there has been no such reduction for there was never any such plan. Instead we have the minister responsible coming up with what is really a deal and saying, "We will exchange your right to be compensated, your right to go to court in 90 per cent of the cases, for a lesser impact in terms of auto insurance premiums."

Let's see what you have here. You have 80 per cent of your wages to a maximum, you get two broken legs, two broken arms, a drunk driver runs you over, you are the only breadwinner. The welfare council in Toronto tells you that the poverty level, if you have two children, is

\$25,000 a year to live in Metropolitan Toronto. What this man there tells you is that at the maximum level you are only entitled to \$23,400. That is what \$450 a week does. He does acquiesce, he does say, "Yes, I, as the minister, as a member of the government of the day, am telling people that you will and you shall give away your right to recourse to get justice through the court system in 90 per cent of the cases."

You will still pay higher premiums because he does say, "Yes, the premiums will go up," and on top of it, you will live in poverty. He says, "Well, what it will do, no-fault will really save money." In every jurisdiction, in the province of Quebec, in the United States, inevitably when the no-fault system has been put in place by the respective legislature, premiums have not gone down, premiums have gone up.

So clearly the losers in this scheme, in this tradeoff that was ill-conceived, are the people of the province of Ontario who are paying exorbitant auto insurance premiums. The government has to be commended, I say to the Premier. Perhaps when it comes to reading polls they do it really better than anyone else. They do it better than our friends the Conservatives for they adhere to a certain philosophy. The New Democrats are guided by the needs of the average people, of the majority of Ontarians, and adhere to a very well structured and a very strong philosophy.

But when it comes to being the scavengers of the political marketplace, when it comes time for the vultures to gather, with no philosophy, under the basis of whatever it takes, they are really missing. The people of Ontario have a right to be consulted. We have asked the minister on several occasions whether he will guarantee that the average motorist in Ontario will be heard through the process of public hearings, and we have failed to receive that guarantee. Why not have a plebiscite or a referendum? Why do we not listen to people?

I checked a couple of days ago and the coverage that I need for my humble vehicle—for I am not a member of the executive council and therefore it is essential and imperative that I live in accordance with my moderate means—yet on that humble vehicle, on that ordinary car, I would save \$400 a year if I was to purchase it or if I was to live in Manitoba, Quebec, British Columbia or Saskatchewan.

So what we have here because we cater to the rich insurance companies, nothing short of that—because we want to guarantee them a handsome profit on the service that they provide

and the protection that we need—it is costing individuals such as myself, but much more important, people who cannot voice their concern, people who cannot defend themselves because they do not have the forum that we have,<sup>1</sup> which is every citizen of Ontario, paying \$300, \$400 or \$500 more a year. If they had their own system, a system whereby public auto insurance sanctioned and administered by Ontarians, their system, you would have an automatic saving.

In conclusion, yes, I was offended by the vehicle used to propose the no-fault system, to put it in place: \$95 million of taxes on premiums are being eliminated. That should be good for the consumers. I do not appreciate that. I do not appreciate as much that \$45 million, which is the responsibility of the insurance company towards the OHIP system, the hospitalization system, is being eliminated. The consumers on the one hand will save \$95 million, but in the true world they will pick up under general taxation that \$95 million plus an additional \$45 to \$48 million, which is another handout and gift from the average people of Ontario to the rich insurance companies.

I do not want to take too much time. I realize that our great leader will have the opportunity to conclude the debate on auto insurance.

**Mr Lipsett:** I join the debate to speak against the opposition motion this afternoon and to instead support and commend the initiative taken by the Minister of Financial Institutions who has brought forward the Ontario motorist protection plan, a plan designed with the needs of the consumer foremost in mind.

Having been a member of the board of directors of Formosa Mutual Insurance Co before coming to Queen's Park, I gained a valuable insight into the demands and expectations of the auto insurance industry, particularly in Grey and Bruce counties. I therefore believe that this comprehensive plan which combines the efforts of several ministries is a positive step forward. I would like to speak specifically to the scope and delivery of accident benefits under this plan.

The success of this first-party accident benefit system is based on its ability to deliver benefits to injured victims as quickly as possible. To expedite this process, a new dispute resolution system will be established as an alternative to court proceedings. It will include mediation and arbitration procedures to allow for speedy, efficient and fair resolution of disputes over accident benefits.

Since access to the courts will be retained in cases of serious injury or death, certain changes

to the tort system are desirable to improve the compensation process. These reforms, recently announced by the Attorney General (Mr Scott), will include streamlining of the litigation process, changing the way prejudgement interest is calculated and allowing for structured settlements in lieu of large lump sum payments. This reduces the need to increase awards to cover tax on the lump sums.

In addition, the government is eliminating the three per cent tax on insurance for personal-use vehicles. This measure alone will save the province's motorists about \$95 million.

## 1710

In the delivery of accident benefits, consumers will be given the benefit of the doubt as to whether supplementary medical and rehabilitation benefits should be paid. A wide definition of "rehabilitation" will be used, including vocational, daily life skills and medical rehabilitation, to ensure that injured people are returned as quickly as possible to normal life. Victims will qualify for resumption of income-replacement benefits; in the case of relapse, up to 90 days after returning to work compared to the 30 days currently. Insurers may be ordered to pay substantial penalties on overdue compensation where that company refuses to pay or delays unreasonably.

As for property damage to automobiles, the major change is that drivers will collect from their own insurance companies for damage to their cars if they are not at fault. Drivers deemed to be at fault will be covered for damage to their vehicles only if they purchased optional collision coverage.

In conclusion, I believe the features of the Ontario motorist protection plan will benefit the drivers of this province, and the implementation of this comprehensive plan deserves our full support.

**The Acting Speaker:** Further debate? The member for Kingston and The Islands.

**Mr Keyes:** Mr Speaker, may I also just add my congratulations personally to you in the role you have assumed. I look forward to your learned leading of this group in its deliberations.

I also take pleasure in speaking briefly for a few moments today on the issue of, as it has been dubbed in this emergency debate, automobile insurance. I want to try and reiterate some of the issues that have been raised already today, and perhaps some that have not.

I want to give, first of all, a lot of credit to the work that was done originally on this whole idea of looking at auto insurance, the work of people



such as Slater and Osborne, who have given much of their time towards it.

I want to look at the context, that this particular motorist protection plan really does mobilize a great deal of government resources to make driving in this province a little safer and more affordable for the people of Ontario. We must not look at this plan in a very narrow light, but in a much broader one.

It is my opinion that the drivers of this province really want three things when it comes to automobile insurance: (1) they want affordable rates; (2) they want to be financially protected in the event they are injured in an accident; (3) they want their benefits to be delivered in a prompt manner, without the delays and the costs that are associated with protracted litigation.

This issue of high insurance rates that we have seen in past years is really only a symptom of the whole underlying problem that we have on the roads of this province. Therefore, we must address the issues of the growing traffic problems, the rising accident rates, the increased injuries we experience and, of course, the resultant higher claims costs. The Ontario motorist protection plan, in my opinion, really urges the need and tries to meet the need for a long-term solution rather than a short, knee-jerk reaction to the problems we are facing.

Going back to those three concerns that are raised by our drivers, in my opinion the plan meets these three consumer objectives because it strikes the right balance between affordability and protection, and it does this by eliminating the need to sue for most injured victims. In fact, it is estimated that probably 90 per cent of persons suffering accident damage will not need to sue to recover costs or other damages. In all but the most serious cases, the plan's guaranteed benefits provide more than adequate protection to the motoring public.

The injured victims will not have to pay the expensive legal fees or wait months and sometimes years for their compensation. The insurance companies, as the act points out, will be required to deliver these guaranteed benefits within 10 to 30 days of the accident and insurers may be charged penalties for overdue compensation.

Of course, this whole act will avoid the severe financial strain on families that is brought on by the long delays and the costs of litigation that we sometimes see. In fact, it is suggested, and this is not to try and draw any disparaging remarks towards the lawyers, that as much as 40 cents of every dollar of claim that is levelled happens to

go back to the lawyers who are litigating the particular case—at least 40 cents out of every dollar.

Finally, this timely delivery of benefits is especially important in cases requiring rehabilitation because early treatment is often the most critical component to a speedy recovery. Of course, some people have found fault, saying that persons in high-wage earning brackets will not be adequately covered for their salaries in the event of an accident.

I want to remind everyone here that there will be optional insurance coverage for even greater accident benefit protection than what will be the base level, which everyone will have the advantage to purchase. That is a very significant aspect that has perhaps not been well enough understood by all members of the opposition parties, additional benefits you can choose to have to augment what you consider the status you need to maintain. Consumers then will be able to tailor their insurance coverage to their own individual needs.

As I said earlier, there will probably be no need to sue in at least about 90 per cent of all cases coming as a result of accidents. In the remaining cases, 10 per cent, those that involve serious injury or death, higher compensation levels may be required and therefore access to the courts will be maintained for this particular category.

By reserving the courts for these very serious cases and reducing the amount of litigation in the system, we will all benefit by the significant savings that we will achieve, savings that then can be passed on to the consumers in the form of improved accident benefits and more affordable insurance rates, which we said is one of those key requirements that they wish.

It has been reported that personal injury lawyers, as I said earlier, take anywhere from 30 to 40 cents of every dollar awarded to accident victims who sue. Last year alone these lawyers reportedly earned approximately \$700 million from bodily injury claims, but now, with the advantage of this motorist protection plan, much of that litigation will become unnecessary and the new plan will then return a large portion of these legal fees to Ontario motorists by way of premium savings and higher benefits.

I would just like to reiterate—I am not sure it was done by the members earlier this afternoon—those improved benefits that we have consistently referred to: the improved benefit of income replacement, which will be more than tripled from the existing \$140 a week to \$450 a week; up



to \$1 million of supplementary medical, rehabilitation and long-term care will now become available for those in need; for the very first time students, seniors, the retirees and the unemployed will be entitled to income replacement benefits of up to \$185 a week; the income replacement benefits, of course, of unpaid homemakers will be increased from the current \$70, also to \$185 a week, which is a significant increase of 164 per cent; for the first time, child care benefits will also be available, \$50 a child to a maximum of \$200 a week; death benefits—of course we do not like to feel this is something we will be subjected to that frequently, but let us be realistic and know that we will—will be increased from \$10,000 of benefit to \$25,000, an increase of some 150 per cent.

In closing, may I just reiterate that the whole purpose of the motorist protection plan is to look in a much broader way at the issues facing us, to try on behalf of all our drivers and all our citizens who may become involved to provide them with more equitable treatment, whether it be before the courts or whether it be in the subsequent actions taken as a result of an accident in which they may be involved.

I appreciate the opportunity to lay before the House a few of these points, to reiterate some and perhaps to add some new ones that have not been touched on today.

1720

**The Acting Speaker:** Further debate? The member for Scarborough-Ellesmere.

**Mr Faubert:** Mr Speaker, as this is my first opportunity, I would also like to congratulate you on your present appointment.

It is my pleasure to participate today in this debate on the opposition motion related to automobile insurance. Much has been said today here in the Legislature, and indeed in the media, about the automobile insurance product reform, which is called the Ontario motorist protection plan, announced by the Minister of Financial Institutions on 15 September 1989.

The threshold no-fault reforms are surely a welcome and effective initiative in terms of both cost reduction and consumer benefit enhancement. However, less has been said about the other substantial reforms that are all part of the total package of reform, such as the initiatives geared to reducing the number of automobile accidents on our roads and highways. Some of those initiatives have been touched on by the member for Algoma-Manitoulin (Mr Brown), such as enhanced police enforcement and a doubling of fines for speeding, as well as the

campaign for the use of seatbelts and daytime running of lights, which are proven measures to protect the driver from accident and injury.

However, even less has been said about significant consumer protection reforms included in the Ontario motorist protection plan. Therefore, I believe it is important to outline for the record these consumer protection initiatives that I believe demonstrate the scope and far-reaching effects this all-encompassing plan offers the drivers across our province.

Ontario's drivers will be pleased to know that there will be greater public disclosure of auto insurance information and increased protection of consumers under this new system. Insurance companies will be subjected to a tough new regulatory regime. The new Insurance Commission to be created through a merger of the Ontario Automobile Insurance Board and the office of the superintendent of insurance will have broad powers of intervention and enforcement. The Insurance Commission will be responsible for ensuring that accident victims receive adequate and prompt compensation and that disputes are resolved quickly through mediation and arbitration.

The Insurance Commission will also be responsible for protecting the interests of consumers and indeed regulating the rates. New consumer protection measures will include a requirement that all insurance companies offer policyholders the option of monthly billing. Many insurance companies now bill customers annually or semiannually. This could be a significant one-time payment for many people. Monthly billing will provide more flexibility and convenience for the consumer. New consumer protection measures also include a prohibition against tied selling, making the sale of one insurance product conditional on the purpose of another product.

Mr Speaker, if you have received the complaints about this that I know most members here have, presently most insurance companies only write insurance, especially here in Toronto, on the condition that they also get the household policy. This will be prohibited under the new legislation.

There is a minimum 30-day notice to consumers of any policy changes or cancellation. There is a provision to allow specific drivers to be excluded from a household policy so that good drivers are not penalized by bad drivers in a family. There is a requirement included that insurance policy documents provide full disclosure on the separate components of the auto

insurance coverage and how each component was rated and the cost of each part. There is a requirement that brokers must disclose on request the number and identity of insurance companies with which they have contracts.

Other measures that will be adopted to protect the rights of consumers will help reduce the costs of operating an automobile in Ontario. The government will expand the ghost car program to deter fraud by repair shops. This operation, using an unidentified car with known damage, helps investigators detect repair shops that are ripping off motorists. In addition, it is clear that claims abuses by a few dishonest people result in higher premiums for everyone else. Under the Ontario motorist protection plan, insurance companies will have to establish programs that assist in deterring fraudulent claims for property damage and theft.

Consumers presently do not have a central source of information about premiums, policies and, indeed, how to shop for insurance. To remedy the gap, the new Insurance Commission will operate a toll-free telephone information service, as well as providing educational material.

Under the new system, car owners will recover directly from their own insurers for damage to their vehicles if they were not at fault in accidents. In this way, the premium better reflects the value of the insured's own vehicle because under the present system drivers must insure for damage they may cause to other vehicles. This creates uncertainty because drivers cannot know what value or type of vehicle will be involved in an accident with their car.

These consumer protection reforms, as part of this comprehensive package, will be welcomed by drivers across the province. They combat the problem of rising automobile insurance rates, which are at the very centre of the cause, while at the same time it addresses the need to make driving in Ontario safer both in physical and consumer protection terms. It is part of the plan that will stabilize auto insurance rates and serve the consumers of Ontario.

There are two specific areas raised by the opposition that I would like to address. First, the member for London South (Mrs Cunningham) stated that there are two major government reports that have come to the same conclusion about no-fault insurance. This refers first to what is known as the Osborne report, which is the Inquiry into Motor Vehicle Accident Compensation, and of course the recent report of the Ontario Automobile Insurance Board. Indeed,

these simply are not facts but statements of half-truths as presented by the opposition.

The OAIB made no final conclusion either for or against no-fault and yet that is constantly quoted by the opposition, saying that it did come out against no-fault. There is a second point related to the Osborne inquiry. They state that the Osborne inquiry rejected no-fault insurance. It is very interesting to note that the grounds that were given and stated by Mr Justice Coulter Osborne were a very strong conviction that he personally supported the fundamental right to sue and therefore was opposed to any no-fault recommendation.

The second deals with the issue of affordability raised by the member for Cambridge (Mr Farnan) who attempted to put it in very simple terms. He has just ignored the fact that traffic volumes are constantly increasing on Ontario roads and that the number of accidents and injuries continues to mount. Accident and injury statistics are reported presently at a 10-year, all-time record high, and therefore the costs associated with those statistics are staggering. Bodily injury claims in Ontario in 1988 totalled \$1.8 billion and insurance rates reflected the rise in this escalating risk.

The new plan finds the right balance between affordable premiums and appropriate benefits and I think that is what everyone is looking for when they shop for insurance. The new plan will hold premium rate increases to moderate increases. Without this reform of the system, it is estimated that motorists would face increases of 30 to 40 per cent when government caps expire next year. Under this reform plan, rates will increase eight per cent on average in urban areas, and average rates for motorists in rural areas will not increase at all.

For these reasons and those put forward by my colleagues on the government side, I intend to vote against the motion. I will therefore yield the remaining government time to allow for the minister's statement.

**1730**

**The Acting Speaker (Mr Cureatz):** I thank the honourable member. As I cast my eyes about for any other member participating in the debate, I would like to now recognize the honourable member for York South.

**Mr B. Rae:** No, no. The minister. I will be going last.

**The Acting Speaker:** Oh, I am sorry; the minister.

**Hon Mr Elston:** And the first shall be last is sometimes the way it is seen.



The honourable member for York South is going to be wrapping up, I understand, but the one thing I want to do is indicate my concern at the institution of this resolution by the opposition party, I guess largely at the behest of the House leader of that party.

I want to indicate quite clearly that the resolution is premature in its entirety in the sense that it is obvious from the discussions we have had so far that most of the members on the opposition party side who have spoken have neither read nor understood what they did read, if they did read anything at all, about how this program is to function and provide people with the benefits of adequate insurance coverage.

**Mr B. Rae:** Give us the bill. Have you got a bill? I haven't seen a bill yet.

**Hon Mr Elston:** The honourable member for York South, who said he did not want to speak yet, is busy chiming in with his concern at this particular time, but I will be listening to him with great interest because I suspect that when we get to listen to his version of the material, he will forget to underscore all the great attributes of this particular piece of legislation. He, as is the way with opposition parties, will reflect most specifically on negatives and in fact will develop some sort of hypothetical situations which he will define out of coverage in this new, fairer manner of providing assistance to the public of the province.

Let me just say this: The objective of this insurance is to provide people in the province with the ability to get back into the workplace, back into the home environment, as quickly as possible. They will have access to income replacement. They will have access to income replacement above the package that is provided for in this core package, as I describe it on an occasion, because the insurance industry will make available excess coverage so described to the product. They will get quick service because we will ensure through the new insurance commissioner that quick service is delivered to the people who require that.

We know what Osborne said. We know what others have said about the way the industry so far has responded to schedule C. We have taken those comments seriously, unlike what the opposition parties have said from time to time, that we ignored all of the material which has been before us. Far from that, we have taken seriously the recommendations and we have brought together a system that will require the insurance industry to respond to the needs of the individuals who have been injured in automobile accidents.

In addition, for those people who have found themselves seriously injured, there will be access to the tort system. There will be awards in the courts, as is currently the case. There will be those cases which will go to the courts, which will be decided by the judges, which will be decided in front of panels of the peers of the people who are injured. There also will be those cases—and they failed to say this—which will be sustained in being able to pursue the litigation because they have got no-fault benefits in amounts which are much beyond those that are now available to anybody in this province. The limit currently is \$140, and it forgets to provide benefits to homemakers who are currently unpaid. It forgets to pay benefits to students. It forgets to pay for those people who are seniors. It does not provide for supplementary medical and rehab services beyond \$25,000. We have raised that to \$500,000. We have raised the long-term care component to \$500,000 as well.

Those sorts of supports that will help those seriously injured people will allow them to prosecute their claims through the courts in the situation of serious injuries. We are sustaining people in being able to get a fair hearing of their injury claims in front of the courts.

We are being fair in that we provide quick access to the recovery of those benefits through the automobile insurance package. We are providing a quick response to those people who up to this point would have had to pay out of their own pockets for the rehab services, for the long-term care services, before they got the court awards later down the road.

Those people who are in front of the courts and cannot find anybody to sue, or who cannot find anybody else at fault except themselves or who find that they are suing an underinsured—those people currently are left wanting in our system. This system will provide those people with support. The objective of this government is to provide those people with support, so they can get back to work and so they can get back to their families.

The member for London North, who sustains herself in the belief that she will be the leader of the Progressive Conservative Party of Ontario, totally misread the material when she said only \$50 a week was available to sustain an injured child who suffered as a result of an auto accident. The \$50 per child is an amount that is available to families who find that the homemaker and the earners in the family are unable to look after their children. It is a supplement to help them meet the



demand of in-home support while the accident victim recuperates.

There are so many parts of this program that are designed to provide a very good social safety net for the people who find themselves injured. Those people over there will not admit to any good parts in this program. They will not even admit that, as a result of our initiative, we have now got the opportunity of seeing rates which are as much as 20 per cent or more below what the current market provides.

We have kept the rates, and we have brought in a new product which will yield average increases of zero or eight per cent in rural or urban centres respectively. That would not be the case if we did not do our reform. It would not be possible. We have in fact met the test of requiring insurance companies to offer lower premium rates. That is clear.

But these people will construe it in some other way so that they can confuse the public into believing that they, as New Democrats, have the answer in making everything a public corporation. That is where they are at. That is what they want to do, and you can see them like seals applauding. That is not necessarily true, though. Making something public does not ensure that people get fair and speedy service. That is what we will ensure with this product: fair and speedy service to the people of the province.

There is one other thing I want to say while I have the opportunity of speaking, although I am being interrupted by the member for Lake Nipigon (Mr Pouliot) who spoke at length—in fact, almost too long, according to his leader, who I know cut him off so he could save some time. We will not stand for bad drivers on the road. The point was made by the member for Welland-Thorold, and it has been made by others who are concerned about the damage inflicted by drunk drivers, negligent drivers, bad drivers: they ought not be tolerated. I agree with them. I am in a position where I acknowledge that I agree with the member for Welland-Thorold about that part of his intervention. The rest of his stuff was a little tough to take, but I am prepared to agree to that part at least.

What have we done? The comprehensive package we have put together for the people of this province indicates quite clearly that the bad driver, the drunk driver, the negligent driver will not go without punishment. The drunk drivers will in fact pay the fines and the suspensions that go along with the Criminal Code and Highway Traffic Act offences. They will pay higher premiums because of their bad driving records.

There will be higher fines. There will be demerit points. All of those things will be visited upon the drunk, bad and negligent drivers.

In addition to that, the drunk drivers will have to go through a rehabilitation program and show that success has been achieved before they get back on the roads. That is what we propose to do because we agree with the member for Welland-Thorold, the people who appeared in front of the Ontario Automobile Insurance Board and with others who have asserted that bad drivers, negligent drivers and impaired drivers ought not to benefit in the system.

#### 1740

Let's talk about one other aspect of concern. Let's talk about the fact that there are a number of reports that speak to the issue of threshold and other types of insurance. All of those reports spoke very briefly to the point about whether or not there would be cost savings. There was a quote given to us by the member for London North. She indicated that Osborne said maybe it will not save any money. There was an indication in the Kruger report, as some are describing it, that indicated there would not be savings through the threshold no-fault system, as it was brought in from Michigan and otherwise.

We agree with those sorts of things. We agree with the recommendations there. That is why we have a comprehensive program. That is why we do not have the Michigan no-fault system here. That is why we do not have the New York no-fault system here. That is why we have an Ontario system. That is why we are bringing in this policy, because it reflects the needs of the people of Ontario. Unlike the people of the New Democratic Party, who will reach to British Columbia, reach to Saskatchewan, grasp towards Manitoba for some salvation, indicating that this is the salvation of the people of Ontario, we believe that this government has a responsibility to work for the people of Ontario. We believe Ontario needs what Ontario best reflects as needs.

The needs are for quick service for our people to sustain those people as they are rehabilitated, and for fair prices for the products they purchase. We do not believe that the honourable gentleman across the way, the member for Welland-Thorold, who has made his point about wearing cowboy boots and other things could be so distracted by the cleanliness of his socks that he could forget to underscore the various merits of all the benefits our new product will yield.

In a couple of seconds, actually in about 11 seconds, the member for York South will

probably tell us about what bad stuff is available to the people of the province through this new system. I want to tell the people of the province that he should make sure he tells them about all aspects of the product and does not ignore the benefits available through this fine system.

**The Acting Speaker:** I would like to thank the honourable minister and at this time recognize the member for York South, to whom I would like to apologize for my incorrect procedure.

**Mr B. Rae:** Mr Speaker, no apology is necessary from you or from anyone else. Let me say to the—or even from the member for Oshawa (Mr Breaugh).

Let me say that this is one more step along the road that has been taken by this government. I have some memories going back several years on the question of car insurance and I have heard the minister say many things. I have heard him on other occasions say that we did not know what we were talking about when we said that the 7.5 per cent increase he announced was a fictitious number, when we said it was going to be more like 16 per cent or 17 per cent. He accused me of misleading the world, of not having a clue as to how the insurance industry worked and of being totally out to lunch with regard—

**Hon Mr Elston:** Bob, you are exaggerating.

**Mr B. Rae:** No. I can recall the minister's language quite vividly. For a minister who normally makes Michael Wilson look animated in terms of his presentation of issues, the minister looked positively agitated with respect to what we were saying. When this minister comes into the House and says there is going to be a zero per cent increase in rural areas and an eight per cent increase, on average, in urban areas, I can just tell the minister that he does not know what he is talking about.

Nobody in this House ought to believe what he says. He cannot write the cheque. He cannot deliver the service, because the critical point about what the Liberal Party of Ontario has done in its approach to insurance is that it has said to the insurance industry, "What do you want?"

The insurance industry comes back and says, "We want a system in which we are still in the driver's seat and still in charge and in which our profits are going to be underwritten by the government of Ontario and by the drivers and the people of Ontario." The minister and the Liberal Party of Ontario have turned around and said: "Fine. Here you are. At the end of the day we don't have a no-fault scheme."

All the newspaper headlines describing this as a no-fault scheme are nonsense. Mr Speaker, you

as a representative of the bar will know perfectly well that all that has happened is that the government has taken the benefits that were paid out 10 years ago, 11 years ago, \$140 when they were announced, and it has simply increased them slightly more than the rate of inflation. That is the first thing they have done.

The second thing they have done is make some changes with respect to rehabilitation and we have no way of assessing how well those are going to work. The third thing they have done is to increase death benefits a little bit. Again, I say a little bit in comparison to inflation, a \$10,000 benefit paid out in 1978 is a \$25,000 benefit to be payable in 1989 or 1990.

That is what they have done: no major change philosophically from 1978. We no more have a no-fault scheme in 1989 than we had in 1978. The only difference is that the capacity of victims to be compensated has been taken away, limited and scuppered by this legislation.

One often hears it said—I have heard all the Liberal members who spoke as we listened to the wave of Liberal members coming at us after 5 o'clock. Wave upon wave, the band of 94 produced yet another apologist for the insurance industry, yet another followed by yet another until finally the chief apologist, the minister himself, came forward. They frequently talk about the delays in litigation, about the extraordinary frustration that people face in disputes with insurance companies and the extraordinary costs of litigation.

I often wonder, listening to these Liberals as they say this, what supernatural force is it that is preventing the insurance companies from settling fairly with people who have a claim? What is that extraterrestrial force that has taken hold of the insurance industry and somehow created this extraordinary delay, the monstrous duplication, families waiting for years, five, six, eight years, for a reasonable settlement from an insurance company?

It is the insurance industry itself. If anybody is to blame for the protracted delay, for the the litigation and for people who are suffering because the benefits have not been fairly paid out, it is the insurance industry that ought to be blamed for that. I cannot imagine a government that having seen—the insurance industry is very good at getting in premiums. They are very good at taking in premiums. They are not very good at paying out claims. It is a lot harder to get a claim out of an insurance company than it is for them to get premiums out of you. Everybody, regardless of political party, understands that.



This is the industry to which the Liberal Party is now beholden and this is the industry to which the Liberal Party says: "We are going to continue to give you the monopoly over how rates will be set. We are going to give you the monopoly on what those rates will be." Even that little toothless tiger that was created for a short period of time, the insurance board, has been dissolved and amalgamated with the superintendent of insurance. The capacity on the part of an independent board to set insurance rates is now over and gone. That is what the minister has told us.

What we have here is a government and an industry that is saying to consumers, "You are going to have to pay more." At the same time it is saying to consumers, "You are going to have to get less." Let's listen to precisely what the insurance board had to say in its report on no-fault insurance, or so-called no-fault, or an increase in the threshold or increase in no-fault payments. What did they say? I am quoting, "Any cost savings forecast arise almost entirely from a reduction in benefits payable to injured claimants rather than as a result of any increase in efficiency of the proposed systems of insurance compared with the existing system."

There is no trick to this. There is no trick to what the government has done. They have left the private profit monopoly in place and they have readjusted the way in which benefits are paid out in such a way that some people are going to get a whole lot less, some people's claims are going to be affected in a negative fashion and they are going to do some rejigging of how the no-fault claims will be paid out. That is the beginning of it and that is the end of it as far as fairness is concerned and as far as so-called insurance reform is concerned.

#### 1750

I can remember vividly the last election campaign. I can remember vividly the ads and the propaganda that were put out by the insurance brokers and the insurance industry. Mr Speaker, you will recall, as others will recall, one of the major charges and accusations made against public auto insurance by the Insurance Brokers Association of Ontario. Do you remember what they said? Mr Speaker, what did they say? They said the only reason that Saskatchewan and British Columbia have been able to carry on as they have is because their system is so heavily subsidized, and that if you had a free market system which had no subsidies in it you would have to recognize that there would be cost increases.

Well, the Liberal Party has taken care of that argument. The Liberal Party has taken good care of that argument, because of what have they done in order to create a rate structure, which they believe will be politically sellable and will get them through to 1990, 1991 or 1992—at least until the next election campaign. That is all this is. This is a further instalment on the insurance industry's rental of the Liberal Party of Ontario long enough to get them through the next election campaign. That is all it is.

They have introduced a system of subsidy, but not a system of subsidy whose benefits will go directly to the consumers of the system, and not a system of subsidy that goes directly to drivers. No, no, no—that is not who they are subsidizing. They are not subsidizing drivers. The Liberal Party of Ontario and the government of Ontario are now going to be subsidizing the insurance industry of Ontario when it comes to car insurance. They are going to be subsidizing them to the tune this year of over \$140 million.

This industry is one which admittedly has been crying poverty for several years, but it is an industry that has over the last several years made literally hundreds of millions of dollars in profits for its overall rates and overall insurance. The minister should look hard at the information that was put before the insurance board. He should look hard at the information that is contained in the insurance board's report. The minister will find the overall profitability of the insurance industry is extraordinary and he will find, even with respect to car insurance, an overall rate of return on investment that is positive and favourable.

I say to the minister, whenever the Liberal Party decides to call the next election, I look forward to talking to the people of the province about the record of the Liberal Party of Ontario with regard to insurance.

Monsieur le Président, j'attends avec impatience les prochaines élections. Nous pourrions alors parler directement à la population de la province de la honte du Parti libéral, qui s'est laissé louer par l'industrie de l'assurance, qui s'était laissé louer pendant les dernières élections, qui se laisse actuellement louer par l'industrie de l'assurance, et qui se laissera clairement louer pendant les prochaines élections, qui auront lieu d'ici un an ou deux.

I must say to the minister I think that what he has done is an incredible disservice to the people of this province. The suggestion from his House leader, for example, that this is not a subject which requires extensive hearings in Ontario is



an insult to every person who has been injured, or to every person whose claims are going to be affected by this legislation. I say to the minister that it is to the victims of accidents that we must be speaking.

It is on behalf of the victims of accidents that we must be looking, and it is to the safety and protection of drivers across Ontario that we must put our minds and our hearts as we begin to wrestle with this problem. I think as we do that, a public system that is driver-owned, in which the bureaucrats and the private profit hustlers in the insurance industry no longer have a monopoly is the kind of system that the vast majority of people in this province will want to build.

**The Speaker:** That completes the allotted time under standing order 41 for opposition day debate. Now, according to standing order 41(g), I will place the question. Mr Kormos has moved, in the absence of Mr D. S. Cooke, the motion which you have all heard and discussed.

**1802**

The House divided on Mr D. S. Cooke's motion, which was negatived on the following vote:

### Ayes

Breaugh, Bryden, Charlton, Cooke, D. S., Farnan, Grier, Hampton, Kormos, Laughren, Mackenzie, Martel, Morin-Strom, Philip, E., Pouliot, Rae, B., Wildman.

### Nays

Ballinger, Bossy, Brandt, Brown, Callahan, Campbell, Carrothers, Chiarelli, Cleary, Cooke, D. R., Cordiano, Cousens, Cunningham, Cureatz, Elliot, Elston, Eves, Faubert, Fawcett, Ferraro, Fleet, Furlong, Grandmaitre, Haggerty, Harris, Hart, Henderson, Jackson, Johnson, J. M., Kanter, Kerrio, Keyes, Kozyra;

Lipsett, Lupusella, MacDonald, Matrondola, McCague, McClelland, McGuigan, McGuinty, Miclash, Morin, Neumann, Nicholas, Nixon, J. B., Offer, O'Neill, Owen, Patten, Polsinelli, Poole, Reycraft, Riddell, Roberts, Runciman, Smith, D. W., Smith, E. J., Sola, South, Sterling, Stoner, Sullivan, Sweeney, Tatham, Velshi, Villeneuve, Ward, Wong, Wrye.

Ayes 16; nays 70.

The House adjourned at 1808.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## CAPITAL FUNDING FOR SCHOOLS

**139. Mr R. F. Johnston:** Will the Minister of Education table the following information regarding submissions made to the ministry by Ontario school boards for capital allocations for 1988-89 and subsequent fiscal years: (a) the complete submissions from each board, public and separate, elementary and secondary panel; (b) complete documentation of the selection criteria used to evaluate, rank and assess these submissions; (c) any evaluations, assessments or ranking prepared by ministry staff in response to the school board submissions; (d) complete documentation of the ministry's formal responses to the submissions as set out in (a) above; (e) summaries by elementary panel and secondary panel of the amounts requested and the amounts allocated, broken down according to allocations for growth, upgrading, replacement, renovation and site acquisition; (f) summaries by public and separate school board of the amounts requested and the amounts allocated, broken down according to allocations for growth, upgrading, replacement, renovation and site acquisition; and (g) aggregate summaries of (e) and (f) above? [Tabled 9 May 1989]

See sessional paper 159.

## SEMINAR EXPENSES

**152. Mr J. M. Johnson:** Would the Minister of Government Services state the costs that his ministry will absorb through its involvement in "The Office That Works" seminar? [Tabled 11 May 1989]

**Hon Mr Ward:** The following expenditures payable by MGS were: displays, \$13,583; translation, \$3,208; videotape plenary, \$32,213; promotion (within government), \$8,458; speech-writing, \$1,175; total, \$58,637.

## GOVERNMENT CONTRACT

**153. Mr J. M. Johnson:** Would the Minister of Government Services state why, according to an article which appeared in the Sault Star on 27 1989, Group North was not awarded the contract to build Sault Ste Marie's Northern Treatment Centre, given the fact that its sealed bid was \$733,028 lower than Ellis-Don's successful bid? [Tabled 11 May 1989]

**Hon Mr Ward:** Group North was not awarded the contract to build the Sault Ste Marie Northern Treatment Centre because at the conclusion of

the design-build proposal call process it was not determined to have proposed the lowest guaranteed fixed price for completion of the project.

The dollar figures cited in the question are proposal figures used only as the first step in the design-build process.

The sealed bid approach was not used, rather the recognized and commonly accepted design-build method of project delivery requiring suppliers to provide all design, development and construction services necessary for the completion of a project on a turnkey basis. This proven mechanism provides the owner with a guaranteed fixed price and completion date. The points award system, used to evaluate all proposals, takes into account a variety of factors including proposal price, design, systems, schedule, job capability and compliance requirements. After the original bids are received each proponent is asked to include the cost of all items considered mandatory for completion of the project in order to arrive at an equitable price comparison. The contract for the Sault Ste Marie Northern Treatment Centre was awarded on the basis of the lowest final comparison price.

The proponents and their final comparison prices after evaluations were: Ellis-Don, \$14,173,072; Group North, \$13,951,854; Matthews Contracting, \$13,810,869.

The contract was awarded to Matthews Contracting.

## GOVERNMENT LAND

**157. Mr J. M. Johnson:** Would the Minister of Government Services provide a list of all surplus lands it plans to make available to the Ministry of Housing for affordable housing purposes in the next year? [Tabled 11 May 1989]

**Hon Mr Ward:** The Ministry of Government Services' current land marketing plans for 1989-90 indicate that surplus lands will be sold in the following municipalities for affordable housing:

Stoney Creek (Albion stage I), 293 units/12 acres, Mud Street/Paramount; Newcastle, 60 units/5 acres, Mearns/Concession roads; Peterborough (stage III), 65 units/4.9 acres, Hilliard Street; Toronto, 126 units/0.5 acres, 70 Lombard Street; Windsor, 44 units/7.19 acres, Conservation Drive.

**158. Mr J. M. Johnson:** Would the Minister of Government Services list how many acres of surplus land have been disposed of by his

ministry in the last three years, the locations of these parcels of land and the number of acres which have been transferred to the Ministry of Housing for affordable housing purposes? [Tabled 11 May 1989]

See sessional paper 157.

**159. Mr J. M. Johnson:** Will the Minister of Government Services list all sales of surplus government land his ministry has executed in the last two years, the method of sale, the moneys received by the province and for what purpose the proceeds were used? [Tabled 11 May 1989]

See sessional paper 158.

#### NORTHERN ONTARIO HERITAGE FUND

**199. Mr Harris:** Will the Minister of Northern Development provide a list of all projects funded by the northern Ontario heritage fund since the fund was established on 1 June 1988

and identify: (1) whether or not the project was previously funded under the Nordev program, (2) the start date of the project, (3) the expected duration of the project, (4) when the request for funding was made and (5) when the project was approved for funding? [Tabled 8 June 1989]

**Hon Mr Fontaine:** Attached is a listing of all projects funded by the northern Ontario heritage fund from 1 June 1988 to 8 June 1989. The list includes when the request for funding was received and the date of the approval letter.

Start date of all projects is considered to be the same as the date of the approval letter. Most projects are expected to be ongoing business ventures of indefinite duration. To qualify for full loan forgiveness, a project must continue for a minimum of two years.

No NOHF projects had previously been funded by Nordev.

#### Ministry of Northern Development and Mines NOHF Approved Projects To 8 June 1989

##### Sorted Alphabetically by Organization

Organization	Date of Approval Letter	Request For Funding Date
Accurassay Laboratories	89/02/01	88/07/19
Alconsen Fly-In Outpost	88/12/15	88/10/07
Algoma Central Railway	88/10/04	88/01/29
Algoma Electric Ltd	88/11/10	88/05/30
Alpicard Cab Ltd	89/02/28	88/12/23
Arcam Engineer Ltd	89/05/17	89/03/31
Ariss Container	89/05/17	89/04/09
Auld Reekie Am	89/02/01	88/11/16
Austin's Wilderness Ldg	89/02/28	89/01/16
Aviation Maintenance Inc	88/11/10	88/08/16
Baher Manufact & Mach	88/12/15	88/10/31
Ballantyne's Indian Ldg	89/02/28	89/02/06
Balmoral Dental Ceramic	88/12/15	88/09/07
Barcomp Technical Serv	89/02/28	88/02/12
Barino Constr Ltd	89/03/31	89/02/06
Berry Lake Camp	88/12/15	88/10/31
Birch Point Camp	88/12/15	88/10/12
Booi's Twilight Lodge	89/02/01	88/10/19
Buena Vista Resort	89/03/31	89/02/06
Buttermilk Alpine Ski	89/02/01	88/12/30
Camroy Construction Ltd	88/10/03	88/05/19
Canad Cedarleaf Oil Ltd	89/05/17	89/04/10
Canadian Dental Instrum	89/02/01	88/10/31
Casa Blanca Lodge	89/03/31	89/02/14
Cianci's Holiday N Lodg	88/10/03	88/08/29
Clark-Cote Ltd	89/03/31	89/01/25
Clinton Ash Rapid	89/01/03	88/12/06
Coastal Steel Construct	89/03/31	89/02/27



<b>Organization</b>	<b>Date of Approval Letter</b>	<b>Request For Funding Date</b>
Cochrane, Corp of Twp	89/05/17	89/04/07
Cochrane, Town of	89/02/28	88/12/23
Cold Spring Granite	88/11/09	88/09/15
Continuous Mining Syst	89/03/31	89/03/13
Coppen's Camp	88/11/01	88/09/06
Copper Cliff Mechanical	89/01/03	88/12/06
Corp of Kirk Lake	89/03/31	89/01/19
Corp of New Lisk + 8020	89/05/17	88/10/27
Corp of New Liskeard	88/11/10	88/10/28
Deluxe Camp	89/03/31	89/02/21
Dog Lake Resort	89/03/31	89/02/07
Don Morphet Welding	89/05/17	89/03/23
Draper's Bakery	89/01/03	88/05/09
Duval's Welding & Machin	89/03/31	88/06/07
Dymond, Twp of	89/02/28	88/12/23
Emo Inn Inc	88/12/15	88/09/06
Erocon (1986) Ltd	89/03/31	88/11/16
Esnagami Lodge + ON 4541	89/02/01	89/02/03
Fincham, Harness & Feed	89/02/01	88/09/20
Fireside Lodge Camps	88/11/01	88/09/02
Five Mile Lake Lodge	89/03/31	89/01/31
Fogolin Fishing re: 4447	88/12/15	87/01/06
Foleyet Outpost Camps	89/02/28	88/12/02
General Contractors Ltd	89/02/01	88/06/28
General Contractors Ltd.	89/02/01	88/06/28
General Rewinders Ltd	88/11/10	88/09/07
George Armstrong Co Ltd	89/05/17	89/01/03
Gils' Electric, 540963 OL	88/10/03	88/06/24
Gold's Deer Rail Lodge	88/11/10	88/09/20
Grassy Narrows Camp	89/01/03	88/06/18
Green Wilderness Camp	88/12/15	88/09/28
GSW Inc/Build Prog	88/12/15	88/10/17
Hemp's Camp	89/02/01	88/12/07
Heritage Island Camp	88/11/10	88/07/27
Herschman's Canadian Ldg	89/03/31	89/01/03
High Falls Lumber Co Ltd	88/10/03	88/08/22
Houseboat Adventure	89/02/28	89/01/25
Inn And & Tennis Club	89/02/01	88/12/20
J & P Poisson Logging	89/05/17	89/02/16
Jacson Eng Ltd	89/05/17	89/04/13
Kaganagiami Lake Lodge	89/02/01	88/12/20
Kamiskotia Ski Resorts	88/11/10	88/08/10
Kanipohoa Kamps	89/02/01	89/01/05
Kaptest Tech Centre Ltd	89/02/01	88/10/12
Kashechewan Goose Camp	89/02/01	88/11/28
Kenora Gold Occurr Inc	88/12/15	88/09/20
Konopelky Air Service	89/02/01	89/01/20
Lac Des Mille Lodge	89/02/28	88/12/19
Laughing Water Lodge	89/02/28	88/11/28
Lebeau Lumber	88/10/03	88/06/29
Lebron Long Bay Camp	88/10/03	88/09/01
Lori M Parks (Damsa)	89/03/31	88/11/10
Luciene Duchaine & Fils Lt	88/10/11	87/11/03

<b>Organization</b>	<b>Date of Approval Letter</b>	<b>Request For Funding Date</b>
Macmillan Bloedel Ltd	88/11/10	88/10/17
Manitou Outfitters	89/03/31	89/02/06
Manitowaning Building Su	89/05/17	89/02/15
Maple Grove Camp	89/03/31	89/01/03
Marten River Lodge	88/10/03	88/07/27
McAdam Resources Inc	88/10/03	88/06/24
Merkel's Camp	88/12/15	88/11/28
Mitchell Equipment Svcs	88/10/04	87/05/14
Moon Concrete Products I	89/05/17	89/02/07
Moore Bay Lodge	89/01/03	88/10/05
Moose Creek Camp	89/01/03	88/11/16
Moose Point Lodge	89/01/03	88/09/09
N. Morissette Canada Inc	88/12/15	88/09/15
N. Ont Sport Balloons	88/12/15	88/11/29
New Moon Landing	89/02/28	88/11/21
Nor-Arc Steel Fabricator	88/12/15	88/09/06
Norlab Envir Serv Inc	89/05/17	89/02/17
Normeck Perron Inc	89/02/01	88/07/27
Normick Perron Inc	89/02/01	88/07/27
North Bay Laurentian Ski	88/10/03	88/07/27
North Power Contrl Sys	89/05/17	89/04/13
North Star Bedding	89/02/28	89/02/06
North Wind Homesteads	89/05/17	89/01/03
North Wind Tackle Inc	88/12/15	88/09/23
Northern Wood Preservers	89/05/17	89/01/10
Northernaire Lodge	88/11/10	88/08/22
Northlakes Products Ltd	88/10/03	88/03/08
Ornamental Precast	89/02/28	89/02/02
Parker's Cottages	88/11/10	88/07/19
Parkers Cottage +ON 4644	89/03/31	88/07/19
Perch Bay Resort	88/10/03	88/09/06
Peter Conti Custom Wood	89/05/17	89/01/25
Phillip Denton	89/02/01	88/10/07
Pillard Industri Ltd	88/11/10	88/09/09
Plumridge's Wilderness L	88/10/03	88/05/20
Powassan, Corp of	89/03/31	89/03/10
Pro Stitch	88/10/03	88/08/04
Rainbow Camp & Park	88/12/15	88/09/23
Raleigh Lake Lodge	88/11/01	88/09/27
Randy Noble Trucking Ltd	88/11/10	88/06/13
Research & Dev't Systems Cdn	89/05/09	89/02/01
Rick's Diesel	89/03/31	89/03/09
Rockwynn Lodge, NE	89/05/17	89/05/10
Ross's Camp	89/01/03	88/11/28
Rowan Lake Lodge	89/02/28	88/09/15
Rowswell & Assoc	89/05/17	89/03/23
Rugged Air Systems	89/05/17	89/03/09
Saskatchewan Wheat Pool	89/05/17	89/03/03
Seine River Lodge	89/02/01	88/10/12
Shin Ho Canada Ltd	89/05/17	89/03/29
Skega Ltd	89/05/17	88/12/13
Smooth Water Wilderness	89/02/01	88/12/20
Snake Falls Camp	88/11/01	88/10/19

Organization	Date of Approval Letter	Request For Funding Date
Sonoco Ltd	88/10/03	88/04/22
Spectacle Rustic Lodge	88/12/15	88/10/17
Spruce Haven Wilderness	89/02/28	89/02/07
St Mary's Aquaculture	89/02/28	88/08/23
Steel City Trailers	88/10/03	88/05/26
Stone Studio Siku Inc	88/10/03	88/08/04
Sudbury Welding & Eng	88/11/10	88/09/15
Sundridge Centennial	88/11/10	88/09/06
Sunny Point Cottage	88/11/10	88/10/25
Sunset Cove Camp	89/02/28	88/11/25
Swenson's Resort	88/11/01	88/08/15
Tang of the North Lodge	88/11/01	88/09/06
Tata Chich Pika Lodge	89/05/17	89/02/09
Temagami River Man Ltd	89/03/31	89/02/17
Temagami Shores Inn	89/02/28	89/01/10
The Fisheries Resort Ltd	88/11/01	88/08/21
The Maley Recr Resort	88/11/23	88/09/15
Three in One Bakery	88/12/15	88/09/02
Thunder Bay Bookbindery	89/03/31	88/10/14
Timiskaming Bottled Water	89/03/31	88/05/09
Timiskaming Grain Co-op Inc	89/05/09	88/11/29
Tomorrow's Treasures Ltd	89/03/31	87/11/29
Town of Haileybury	88/11/10	88/08/04
Twp of Dymon	88/11/10	88/04/22
Valley Growers Inc	89/05/17	89/04/06
Waferboard Corp L	88/10/03	88/06/29
Walsten Outpost	89/01/03	88/10/31
Walters Welding Fab Ltd	88/11/10	88/09/01
Westinghouse Canada Inc	89/03/31	89/02/16
Whitesea Cottages & Chartr	89/05/17	89/02/06
Windy Bay Lodge	88/11/01	88/09/15
Young Lake Lodge	89/05/17	89/04/12
1990 SSM Labat Brier	88/10/03	88/08/09
698512 Ont Inc/GSTJ CH	89/02/01	88/06/24
698824 Ont Inc	89/02/01	88/11/27
749494 Ont Ltd	89/03/31	88/10/06
777680 Ont Inc	88/12/15	88/11/10

#### HOME CARE

**252. Mrs Cunningham:** Would the Minister of Community and Social Services provide the estimated cost to the province for the expansion of the integrated homemaker program from 18 municipalities to 38 municipalities as originally planned in 1986? [Tabled 4 July 1989]

**Hon Mr Beer:** In May 1988 the province deferred the expansion of the integrated homemaker program until a program review was carried out. In March 1989 the review was completed, and the report was distributed for consultation. The review's recommendations included a modification of the program model to

ensure greater integration with the Ministry of Health's home care program and linkage to a rationalized system of long-term care for elderly and disabled people.

In June 1989 my predecessor, the Honourable John Sweeney, announced that an interministerial task force led by the Ministry of Community and Social Services had been established, with representatives from the Ministry of Health, the Office for Senior Citizens' Affairs and the Office for Disabled Persons.

The purpose of the task force is to develop a plan for reform of the long-term care system for elderly and disabled people, and its main objective is the development of a comprehensive



system of in-home, community and institutional services with a single point of access. IHP is one of the programs included in the planning process, and decisions about further expansion of the program will be made within the context of this comprehensive system reform.

#### TABLING OF REPORTS

**310. Mrs Marland:** Would the Minister of the Environment table the report received on 23 March 1988 from his Environmental Assessment Advisory Committee entitled MOE Policy on Exemptions for Interim Expansion of Municipal Landfills? [Tabled 25 July 1989]

**Hon Mr Bradley:** In accordance with the terms and conditions of the memorandum of understanding between the Environmental Assessment Advisory Committee and the Ministry of the Environment dated 14 April 1988, the minister shall make the committee's report public concurrent with his decision, subject to cabinet and Lieutenant Governor approval.

**311. Mrs Marland:** Would the Minister of the Environment table the report received on 5 December 1988 from his Environmental Assessment Advisory Committee entitled Exemption of the Ministry of Government Services Land Management Activities and Consideration of MGS Proposal for Application of the EA Act to all MGS Activities? [Tabled 25 July 1989]

**Hon Mr Bradley:** In accordance with the terms and conditions of the memorandum of understanding between the Environmental Assessment Advisory Committee and the Ministry of the Environment dated 14 April 1988, the minister shall make the committee's report public concurrent with his decision, subject to cabinet and Lieutenant Governor's approval, on the interim exemption order.

#### RESPONSES TO PETITIONS

##### SCHOOL OPENING AND CLOSING EXERCISES

Sessional paper P-3, re Lord's Prayer.

**Hon Mr Conway:** On 23 September 1988, the Ontario Court of Appeal struck down subsection 28(1) of regulation 262 as an infringement of religious freedom under the Canadian Charter of Rights and Freedoms. The spirit of the decision was that in opening or closing exercises in public schools one religion must not be given a position

of primacy and must reflect the multicultural realities and traditions of Ontario society.

The amendments which I announced on 12 January 1989 allow opening or closing exercises to continue in Ontario public elementary and secondary schools in a manner consistent with the spirit of the court's ruling.

The amendments allow the Lord's Prayer to continue to have a place in opening or closing exercises as a reading. However, it may not be given a position of primacy, and the collective recitation can no longer be permitted as such a practice is not in accordance with the Canadian Charter of Rights and Freedoms.

Where a board chooses to offer a balanced selection of readings drawn from secular and scriptural writings, students will benefit from exposure to the social, moral and spiritual traditions representative of Ontario's multicultural society.

The public elementary and secondary schools of Ontario are open and accessible to all on an equal basis irrespective of creed. They are founded on the positive societal values which, in general, Canadians hold and regard as essential to the wellbeing of our society. These values transcend cultures and faiths, reinforce democratic rights and responsibilities and are based on a fundamental belief in the worth of all persons.

#### CHRONIC CARE

Sessional paper P-28, re chronic care hospital.

**Hon Mrs Caplan:** On 28 August, I announced the establishment of two committees to address long-term care issues in Windsor and Essex county.

The Windsor-Essex Long-Term Care Services Planning Committee will have the mandate of developing a long-term care services plan for Windsor-Essex, which will address the following: the rationalization of chronic services in Windsor-Essex; the redevelopment of the Riverview Hospital; and the identification of the community-based services necessary to support the evolving long-term care services plan.

The joint Ministry of Health/Riverview Program Planning Committee will co-ordinate the planning process leading to the start of construction of the Riverview Hospital based on the recommendations of the Windsor-Essex Long-Term Care Services Planning Committee.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaitre, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwiter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

**McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

**Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

**Offer, Hon Steven**, Solicitor General (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

**Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)

**Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Wednesday 18 October 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 18 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### PUBLIC HEARINGS

**Mr Farnan:** Why bother having public hearings on issues of importance and concern to the people of Ontario? These hearings span over several weeks and very often involve a large committee and staff touring the province or paying for delegations to travel to Toronto. This represents an enormous expense to the people of Ontario. However, even when there is overwhelming opposition to proposed government legislation, invariably the Liberal government brushes it aside and refuses to listen to the voice of the people.

The most recent example of the government's contempt for the Ontario public was the committee hearings on Bill 119. Two hundred and twenty-eight municipalities, representing 7.5 million citizens, and all 105 briefs heard by the committee objected to this government legislation that pits culture and recreation against hospitals for lottery funding, but to no avail.

It is the same old story, just as it was for Sunday shopping, court security, auto insurance, the Workers' Compensation Board, and no doubt will be for health and safety. The people speak and this Liberal government ignores them.

But perhaps it is not a complete waste of time. Maybe through these expensive but futile hearings, the people of Ontario will come to the realization that this Liberal government is completely insensitive, autocratic and out of touch with its citizens. Maybe those who are not heard in committee can ensure that they will be heard in the next election. You will agree, Mr Speaker, ignore the public and there is a political price to pay.

### PERSONS DAY

**Mr Jackson:** It is with great pleasure that I rise to acknowledge Persons Day, when 60 years ago the Privy Council in England declared that Canadian women were indeed persons and could participate in all facets of life as Canadian

citizens, including being eligible for appointment to the Senate.

This is a day for all women to reflect on the historical struggle for their fundamental rights to be included as equal partners in a society that is still largely male-dominated.

Much work in this area remains to be done. Let us remember the sobering thought that it was not too long ago when women were not even regarded as persons. The persistent remnants of those gender dark ages are with us still when we hear of a man earning twice what a woman made for the same job in a shelter for abandoned women in Owen Sound; when we see rape crisis centres applauded loudly by government ministers, who then fold their hands when those same centres ask them for enough funding to keep their doors open, and when our court system pays more attention to the perpetrators of violent crime against women than to the victims.

Much work remains to be done, and we as legislators can begin to do it by learning, first of all, to listen to the women of Ontario. What they want is not special treatment but equal treatment along with men. So I remind the government that its responsibility towards women does not end when women cast their ballots and have mailed their letters to the Solicitor General. This government must respond swiftly and decisively to meet the needs of women. Women across Ontario experience this day as a renewed call to action on behalf of their rights. This government would do well to follow their example.

**Ms Poole:** This afternoon, I too would like to invite members to join me in celebrating an important victory won by Canadian women 60 years ago today.

Most members in the House are aware that 100 years ago, no woman had the right to vote anywhere in the world, but some are not aware that, even as recently as 60 years ago, women were not considered to be persons in Canada under our laws.

As the member for Burlington South (Mr Jackson) has said, in 1928 the Supreme Court of Canada actually ruled that women were not eligible for appointment to the Senate because they were not legally persons. However, on 18 October 1929, the Privy Council in England



unequivocally reversed this decision with the following words: "...and to those who ask why the word 'persons' should include females, the obvious answer is why should it not?"

This was a great day in Canadian women's history. Today, over 1,300 supporters of women's equality rights met to celebrate and to honour those women who fought so hard to earn this very basic right. We also wanted to express our support for organizations such as the Women's Legal Education and Action Fund, LEAF, which are continuing to fight on our behalf.

Please join me in applauding women past and present who have fought the good fight for us.

[Applause]

#### MINISTRY OF NATURAL RESOURCES

**Mr Hampton:** The 1988-89 Public Accounts figures indicate that the Ministry of Natural Resources spent \$500,000 on hotels and resorts during the last fiscal year. This ministry's travel budget is second only to the Ministry of Transportation's transportation and travel budget. Yet, as an increasingly massive chunk of the Ministry of Natural Resources budget goes to finance the travel escapades of its senior bureaucrats, total funding for the ministry has actually been reduced by this government to \$570 million from \$576 million.

The irresponsible budgeting has taken its toll of Ontario's natural resources. The ministry is unable to pay its conservation officers a fair salary and, as a result, there is a shortage of men and women who want to be conservation officers, despite the fact that everywhere in the province there is a recognized need for more COs.

Furthermore, despite this province's enormous annual losses to forest fires, the Ministry of Natural Resources this past summer cut the number of trained forest firefighters by 130. In addition, the general fish and wildlife budget has not kept up with inflation. Further, the number of seedlings provided for reforestation has been cut. It would seem, if one looks at it, that the Ministry of Natural Resources is now more interested in hotels and resorts than it is in protecting our natural resources.

#### DENTAL HYGIENIST PROGRAM

**Mrs Cunningham:** Fanshawe College has had approximately 1,200 applicants apply for 16 spaces in its dental hygienist program. As a result of the extremely limited number of spaces in dental hygienist programs in Ontario today, there

is a real need for trained dental hygienists in this province. In fact, one third of the students attending the Erie Community College near Buffalo, New York, are Canadians. This is at a personal cost to these students of over US\$5,400 just in order for them to receive the classroom space and training they need.

The Premier's Council stated that the government should work with the appropriate areas of government to develop a comprehensive people strategy that will address vital education, training and labour market policy issues. The issue of dental hygiene programs is just one example showing that this government does not recognize the importance of job training for our young people.

Provincial grants for community colleges do not even cover the direct operating grants of colleges in Ontario. This problem with the dental hygienist program is not new. Obviously both residents and dental hygienist students need to see a greater commitment from this government in order to provide the dental health care in Ontario that is essential.

#### ORGAN DONATIONS

**Mr Owen:** There are many people in Ontario and across Canada waiting to hear if organs have come available that could allow them a chance at living healthy, full lives since transplantation of organs has become a common practice. At one time organ transplants were seldom successful. However, today 80 per cent of transplant patients recover. No longer is this an experimental procedure. It is a life-giving reality. Over 95 per cent of cornea transplants are now successful. Unfortunately, there is a shortage of organs for transplant, and 40 per cent of those in need of donor organs still die as a result of this shortage.

We can all help to alleviate this shortage. What is needed is a commitment of people now that when they die, if at all possible, their organs will be given to anyone who needs them. Attached to the Ontario driver's licence is a donor card. In the event of death, the signed consent allows the use of organs for transplant. This need is critical. Only 26 per cent of Ontario citizens have signed the donor cards.

Families of those who have donated organs tell me of the comfort of knowing this gift has given life to others. I would like to appeal to the members of this House to bring this message to their constituents.

In Canada, 52,000 people will die this year from heart disease and 28,000 as a result of liver

disease. We now know how to help them. It is now up to all of us to provide the means.

1340

## PERSONS DAY

**Mr R. F. Johnston:** It may have been over 60 years ago that women officially under the law were moved from being chattels of men to being persons in their own right. But still, in 1989, women have a greater right to poverty than men do; they certainly have a greater right to lower wages than men for jobs of equal value. Today the Minister of Labour (Mr Phillips) and others will rise and talk about the Pay Equity Commission's report on a group of women, as many as 900,000, who were left out of the initial considerations and promised by this government in 1985 that it would deal with pay equity in its entirety.

There is another report today that was brought down, which we would like to hear comments from the Minister of Labour about, from the Ontario Advisory Council on Women's Issues, which surveys a huge number of ways in which women are discriminated against in this province still in 1989 in terms of labour law, and this government has yet not committed itself to a full overhaul of the employment standards legislation.

My colleague the critic for the Conservative Party talked about the woman's right to protection against violence against her person in this province in this day and age. Although this is a great day to celebrate the final recognition by the courts of this land about personhood, we must also recognize that we have an awful long way to go before women can feel equal and as secure as men in this society.

## NORTHERN TRANSPORTATION

**Mr Pope:** I have viewed with growing concern developments for transportation in northern Ontario and specifically wish to draw to the attention of the Minister of Transportation (Mr Wrye) for the province of Ontario the fact that we have had the Rukavina committee reviewing rail services in northeastern Ontario.

The very day they had their meeting in the city of Timmins, the tracks for the Ontario Northland Railway were being ripped out of the downtown core. We have had recent decisions of impending cutbacks in Via Rail service that will affect various parts of northeastern Ontario. We have had a recent decision of Air Canada withdrawing jet service to northeastern Ontario communities. We have no clear statement of what NorOntair is

going to be doing to fill the void that is being left by these services, specifically to link Timmins and North Bay in the aviation system. We have had no indication of the priorities of this government with respect to road construction and particularly municipal road maintenance and upgrading in municipalities in northeastern Ontario.

All of these issues, coming as they do at the same time, leave many of us in northeastern Ontario asking the Ministry of Transportation for the province of Ontario to make a clear statement of policy on transportation evolution in northeastern Ontario and some clear indication of what programs will be put in place to support those policies.

## JACK GOODLAD SENIOR CITIZENS RESIDENCE

**Mr Faubert:** On 9 September 1989, I had the privilege to represent both the Premier (Mr Peterson) and the Minister of Housing (Mr Sweeney) at the official opening of the Jack Goodlad Senior Citizens Residence in my riding of Scarborough-Ellesmere. I commend the Ministry of Housing for its participation in the development of these 170 units. They are a welcome addition to affordable housing for seniors in the city of Scarborough.

This residence is named after the late Jack Goodlad, a former Scarborough alderman with whom I had the privilege to serve on city council. Residents should take pride in this name, for Jack Goodlad had an exceptional record of hard work on council that all public representatives would do well to emulate. He was an ordinary but a very extraordinary man who was a truck driver and who decided to run for office because he believed he understood and could speak for the concerns of his fellow citizens.

Jack was also someone who never took no for an answer. He was fond of saying, "I'm just an average guy doing his best for the people who elected me." His record was far from average, as he gave his heart and his soul and eventually his life serving the people of Scarborough to the end.

I congratulate all those involved in the building of the Jack Goodlad Senior Citizens Residence and, in particular, I would like to commend the chairman of the board and president of the residence, Barry Christensen, and all board members for the time and effort they have contributed to this very worthwhile project. Their persistence made it happen.

Finally, I would like to wish the residents of this seniors' complex every happiness in this, their new home.



**The Speaker:** That completes the number of allotted members' statements.

**Hon R. F. Nixon:** Isn't anybody going to announce that it is Pierre Elliott Trudeau's birthday?

**An hon member:** No.

**Hon R. F. Nixon:** And we wish him well.

**An hon member:** That is right.

**Hon Mr Ward:** Mr Speaker, I would ask for unanimous consent for statements regarding the California earthquake.

Agreed to.

### CALIFORNIA EARTHQUAKE

**Mr Curling:** On behalf of the government and the people of Ontario, I wish to express our sincere sympathy to the families of those who perished in last night's devastating earthquake in the California Bay area. I would like to extend our concern to those who suffered injuries and the many who face the arduous task of rebuilding their lives and homes today.

Ontarians who wish to help in the relief effort can make a contribution to the American Red Cross through the Canadian Red Cross at 5700 Cancross Court in Mississauga. In addition, the federal Department of External Affairs has established a toll-free number for those seeking information about family and friends in the area. The number is 1-800-267-6788.

Our sympathy and concern have been conveyed today in a letter from the Premier (Mr Peterson) to California Governor George Deukmejian. We have also extended an offer of any appropriate assistance which may be requested.

**Mr B. Rae:** We join with the member for Scarborough North in extending our condolences to those families who have lost their loved ones as a result of the tragic events in California last night. Anyone who watched the really quite frightening events on television, as I did and I am sure many members did yesterday evening, could not help but be just so moved at the courage and the ingenuity and the sense of sacrifice and the sense of pulling together of all those who were doing the rescue work; the women and men who, in some cases at considerable risk to themselves, were crawling through that very narrow space between the two highways trying to get to some cars and find if there were any people who were still alive and who could be helped.

It is often said that out of tragedy sometimes a greater common sense of the fragility of life emerges. Sometimes a sense of not only what we can take from life but what we must all give back

to life re-emerges in all of us. Our hearts go out to those families whose lives have been devastated by this terrible tragedy. But at the same time we must rededicate ourselves to building a world that always has room for people and to building a world that can respond to the victims of a tragedy such as the one we have all just witnessed.

**Mr Brandt:** We are all horrified by what happened in the San Francisco Bay area as a result of the devastation in the earthquake that occurred last night.

I want to begin my remarks by quoting from one of the players in the World Series. Terry Kennedy, who is a catcher for the Oakland As, was getting ready to play in the third game of the series, which is, as we all know, the ultimate baseball experience, and just the promise of that experience swept up all of Toronto and Ontario a few short days ago. Mr Kennedy had this to say of the devastating earthquake that hit northern California yesterday:

"We found out where the priorities of life are. The World Series doesn't mean anything compared to what happened in this city tonight. People were hurt and people lost their homes, it makes me feel sick."

The earthquake yesterday and its shocking, devastating aftermath truly do bring home where the priorities of life are. The death toll, as we have been advised to this point, is really quite staggering; some 300 people are reported to have lost their lives and the count may well go higher. In addition, there are 600 who are injured as of the last report I have received. That count may go higher, as well. The material losses, which are not nearly as important as the injuries and the loss of life, are well in excess of \$1 billion.

This does not take into account the damage at Santa Cruz, which was the epicentre of the earthquake. At the time of the information I received, there were no details with respect to how extensive the damage there was, other than that dozens of buildings and whole blocks of the downtown community are apparently devastated.

### 1350

From the television we received last night and again this morning, we have compelling evidence of this horrible event. Perhaps most horrific are the deaths caused by the collapse of a major highway. The equivalent, in Ontario terms, would be if the Gardiner Expressway collapsed from Jarvis Street to Bathurst Street during rush hour on to Lake Shore Boulevard. That is exactly how extensive that destruction was.



I think we have to be thankful the tragedy was not even worse, given that it occurred at the worst possible time of the day. As well, if the epicentre had been closer, who knows what would have happened to the 50,000 or 60,000 people who were in attendance at the World Series ball game.

On behalf of our party, our hearts and our best wishes go out to the people of the San Francisco-northern California area, as well as our condolences. We hope they are able to cope with the terrible tragedy that has struck them. It is also our fervent wish that a tragedy of this magnitude never happens again.

**The Speaker:** I believe it would be fitting, when Hansard is printed, if I were to send those words and a copy of Hansard to the Governor of California.

## STATEMENTS BY THE MINISTRY

### TRANSIT SERVICES

**Hon Mr Wrye:** A balanced transportation system is important from an economic, environmental and quality-of-life perspective.

In May of this year, the government announced a \$2-billion transportation capital program to help meet the needs of the province.

The rapid growth of the regions surrounding Metropolitan Toronto has created the need for a strong, interregional passenger transportation system. The government of Ontario has met that need through its ongoing commitment to upgrading the GO Transit network. GO's mandate is to provide service in the five regions around Metro, as well as in Metro itself. GO trains have experienced a 16 per cent increase in ridership over the past year.

I would like to inform the Legislature today of a further improvement in the service GO Transit is providing for the residents of northern Metropolitan Toronto and York region.

Starting 30 October, GO will add a fourth morning train to its schedule on the Richmond Hill line. This new weekday train will leave Richmond Hill at 6:50 am, stopping at Langstaff, Old Cummer and Oriole stations before arriving at Toronto Union Station at 7:28 am. This follows the introduction of a fourth evening train this past summer. Together, these two trains will help accommodate the 20 per cent growth in ridership on this route over the last year.

We have taken a number of other steps to upgrade GO service to the northern portion of Metro and York region. The fare integration program, which allows preticketed GO passengers to ride local transit buses to and from the GO

station with no additional fare, was extended to Richmond Hill Transit last month.

Parking lots at both Langstaff and Richmond Hill stations have been expanded this summer, and we are working to improve the facilities for connections between GO's Richmond Hill line and the Toronto Transit Commission services on both Finch and Sheppard Avenue. The work at Finch is expected to be completed early next year.

As part of this government's commitment to maintaining the high standards of GO service, additional funding has been made available to GO through the \$2-billion transportation capital program. This capital program is intended to maintain road and rail links, while remaining sensitive to environmental concerns.

Among other things, the funding will allow GO to purchase more rolling stock. As a result, GO has just signed orders for more bilevel rail cars and locomotives. These orders represent a further investment by the province of Ontario of more than \$112 million in the interregional transit system in the greater Toronto area.

UTDC Inc will build 60 more bilevel cars at its Can-Car facility in Thunder Bay. The \$78.4-million order will provide employment at the plant for one year, with the first car scheduled for delivery in May 1990. The order will expand GO's fleet of bilevels to 334 cars.

The diesel division of General Motors of Canada will construct 14 locomotives for GO at its London plant at a cost of \$33.7 million. These locomotives have been designed to handle the special demands of GO's commuter operations.

These orders will give GO the most modern and efficient commuter rail equipment fleet in all of North America.

In closing, I am pleased to inform the House of these improvements, which are part of our ongoing commitment to providing balanced, convenient and efficient transit services for the greater Toronto area.

### PERSONS DAY

**Hon Mrs Wilson:** Sixty years ago today, Canadian women were recognized as "persons" in the eye of the law and became eligible to be called to the Senate of Canada.

The participation of women in all aspects of society has changed dramatically in this century. Women won the right to vote, to run for political office and to share in the decision-making process of our country.

The day, 18 October 1929, marked a great step towards the achievement of equality for women

in Canadian society. While we have seen continuous, steady progress in the intervening years, there is much more to accomplish.

Our government has undertaken a number of important initiatives to enhance the status of women in Ontario. This government's commitment to pay equity is the most progressive in any democratic jurisdiction.

One of the most distressing problems that women face is the incidence of family violence. In my capacity as the Minister without Portfolio responsible for women's issues, I view the elimination of violence against women as a priority. If we are to have safe and secure communities, women must feel and be safe in our communities, in our workplaces and in our own homes. To that end, this government considers it a priority to continue to enhance the prevention of wife assault and all other forms of violence against women.

Today's women are lawyers, welders, scientists, airline pilots, judges, machinists and senior officers in our armed forces. They are also MPPs. By the year 2000, half of our paid labour force will be female. In order to be economically competitive, we must use all our human resources effectively.

I ask my fellow members to join me in acknowledging the positive changes that have occurred as a result of that auspicious day some 60 years ago. I ask them to join with me and with this government in working to continue to promote awareness that women are not only persons but equal partners in the future of our country.

#### PAY EQUITY

**Hon Mr Phillips:** I would like to join with my colleague the Minister without Portfolio responsible for women's issues in acknowledging today Persons Day.

Women have indeed made significant progress and the Ontario government has been in the forefront of that progress. But as my colleague said, we must not fail to recognize that much more must be done. It is for that reason that the government brought forward the Pay Equity Act.

As honourable members will recall, the act came into effect 1 January 1988. The legislation established the Pay Equity Commission and it required it to study and report on what are called predominantly female sectors of the economy that were not covered by the act.

I am pleased to table that report today and to thank the commission very much for its work.

The government is committed to the pay equity concept and pay equity is a key element in this government's long-term strategy for improving conditions in our workplace, while of course continuing to keep Ontario competitive with other jurisdictions.

I look forward to studying the commission's recommendations and announcing an appropriate government response.

I might take this opportunity to acknowledge in the east gallery today our commissioner of the Pay Equity Commission, Brigid O'Reilly, who is here with some of her other senior staff. I might ask her to stand and be recognized.

1400

#### RESPONSES

##### TRANSIT SERVICES

**Mr Breaugh:** I would like to respond briefly to the statement by the Minister of Transportation (Mr Wrye) regarding GO Transit.

I hope this is an indication that he understands now that he does have a transportation crisis in and around Metro and that this gridlock does not disappear any more. It starts at about seven o'clock in the morning and stays in place until well after seven o'clock in the evening.

I hope the minister has some sense of what needs to be done in transportation. We believe GO Transit will be an important part in solving that problem, but it is not a matter of planning any more; it is a matter of dealing with a transportation crisis.

One other thing does need to be said, although I do not think the minister is going to want to hear this part of it. It is to the everlasting shame of this government that the handicapped are denied access to this transportation system. It is not because somebody forgot, which is perhaps usually the case, and it is not because the minister has not been told, because he has been, on the record, here. It is because he chooses to deny them the right to use GO Transit.

While we are at it, we should be careful that we do not restrict the definition of those who have a physical handicap. Those who have tried to use GO Transit in any of the new stations will know that it is a real physical challenge to get at that transportation mode. The minister is doing things that make it most difficult for people who are frail and elderly and those who have any kind of physical disability whatsoever to use this transportation system. That is a crying shame.



## PERSONS DAY

## PAY EQUITY

**Mr R. F. Johnston:** I would like to respond to the two statements on women's issues at once, if I might, following up from what I said in my remarks earlier on today. It is somewhat ironic that this government would get up and make positive statements around women's issues following the year when it cut back the budget for the Office Responsible for Women's Issues by \$818,000, some real indication of its priority for this government.

It is ironic that on the day that the recommendations from the Ontario Advisory Council on Women's Issues come out, on which the ministers have been briefed, there is no comment about the kinds of things that council has addressed. Perhaps that is because the government does not value it as much as it used to. It cut 22.3—I guess thousands of dollars from its budget this year, slashing it enormously from the support it used to give it in the past.

I think it is interesting that the minister would rise today and talk about pay equity and not talk back to the days in 1985 when the promise by this government was that all pay equity matters would be dealt with by the end of the first session of the accord between our two parities at that time. Here we are, these many years later, with a report on which he has no particular opinion at this point.

I wonder if as a minister, he is going to forget what the Attorney General (Mr Scott), women's issues critic at the time, said a few years ago when he said that the government would move at the same speed for these women in jobs classified as predominantly women's jobs as it has on pay equity as a whole. If that is the case, that means we should see legislation enacted in this House in three months' time. That was the same kind of promise the minister made in the past.

I would just like to say that I have some concerns with the direction of this report. It looks to me as if, instead of 900,000 women being left out because of the exclusions and the various models being put forward, perhaps as many as 500,000 women will still not be covered by pay equity even after the kind of redress that is put forward in this particular document today. I did not hear the minister speaking to that at this point. The idea that we would exempt small employers means that many, many women will not be affected.

The Minister without Portfolio responsible for women's issues (Mrs Wilson) can get up today

and talk about violence. How can she do that when we still do not have a stable funding basis for rape crisis centres in Ontario? How can the minister do it when the government still has not fully implemented the standing committee on social development's report of 1982 on family violence? How can she possibly say that she is giving that the kind of priority it deserves? Of course, there was no mention at all of child care in the comments made today, and rightly so when one considers the abandonment of movement in that area as well.

Although I would recognize the importance of the symbolic day, so many decades ago, of women being finally recognized as persons, I would say that symbolically here again this afternoon we are getting a clear indication from this government that women's issues are second class in terms of its priorities.

## TRANSIT SERVICES

**Mr Brandt:** I want to take advantage of one of the few occasions when I can compliment the minister on an announcement he has made, in connection with the expansion of the GO Transit system and some of the ancillary activities such as the building of some of the rail cars that will occur as a result of this expansion. The minister is in fact building on a tradition in this province of leading all of North America in terms of transit service. The GO system that was put in place by a previous government has proven to be an amazing success story and I am delighted the minister is continuing that tradition.

I would remind him, however, that there is much to do in transportation in terms of removing some of the gridlock we are experiencing, particularly in the Metropolitan Toronto area and in some other communities in other parts of the province as well. Highway 17, Highway 69 which I talked to the minister about yesterday, as well as the ongoing problem of the safety barriers to be erected on Highway 401, are all matters of major concern that must have the attention of the minister as soon as possible, and I would trust he would be making those announcements shortly as well.

**Mr McCague:** I thank the minister for his announcement today and for anything he is able to do to improve the service within the GO transit service area. The minister will know that there is increasing pressure in Simcoe, Simcoe West, Simcoe Centre, and Simcoe East for the extension of GO's mandate beyond Highway 9 to the north. I would hope that the minister, when he is looking at Peterborough and other areas for GO,



would also look at increasing the mandate for Mr Parsons and company and allow them to move into Simcoe if the service could be justified and the ridership warranted it.

### PERSONS DAY

**Mr Jackson:** I wish to convey my disappointment at what is the maiden statement for this province's new Minister without Portfolio responsible for women's issues (Mrs Wilson). I am disappointed that she indicates that the leadership her government has provided is seen through her initiatives with pay equity and with the prevention of violence against the victims of violent crimes, predominantly women.

I am very disappointed because the actual record for this government does not demonstrate the kind of sensitivity she would indicate today. In fact, it is this government that has refused to look at the serious and necessary judicial reforms women require in order to be put on an equal basis in our court system. They have not enjoyed that treatment in this province historically.

A woman in northern Ontario can be subjected to the statements that some of the judges have made about women who are victims of violence. This government refused to look at a judicial inquiry into such statements about women as, "We know your husband has beaten you several times and perhaps he has gone too far because he put you in hospital," and then there is a suspended sentence. Women are not treated equally in our courts and the Attorney General (Mr Scott) knows that. He knows that and he refuses to sensitize our court system. He refuses to encourage that our police systems be more sensitized.

In fact, our women should have the right, victims of violent crime, to be interviewed by a police officer of their own gender who has been trained to understand the psychological damages that are occurring for that victim at that time. Yet the government stands in silence when the Hamilton and district rape crisis centre is cancelling programs with a waiting list of 100 to 120 victims of incest and violence because the minister refused to answer the correspondence about the need for funding to allow those counselling programs to continue.

Women are not treated fairly in our courts, as I said. We have a system in this province where there is a presumption that a woman who is raped does not suffer severe emotional damage. That is still a condition in our court system and it is wrong. It should be removed and it should be lifted. Only then will women feel comfortable

enough about approaching our court system and allowing their case to proceed so that real justice for the victim can occur.

No wonder. The victim's compensation fund in this province only has two per cent of its fund being used by women who have been victimized in assault and sexual assault cases. When the minister talks about rape crisis centre funding and pay equity, I remind the minister that it was her predecessor who was paying almost \$30,000 for his personal chauffeur and yet our rape crisis centres are being asked to operate with staff being paid \$12,000 and \$14,000.

### ORAL QUESTIONS

#### HOSPITAL SERVICES

**Mr B. Rae:** I want to again ask the Premier some questions about the very real contradictions between what he has been telling this House and what other people have been telling the world. Dr Sibbald, who the Premier will know is head of the working group in the Ministry of Health dealing with critical care, has told people that in his opinion, and indeed in the opinion of the working group, that Dr Nesdoly, who was the doctor treating Mrs Lacroix, "used all the resources available to him." He went on to say, "He used the appropriate lines of communication that were available to him at the time."

Those words directly contradict what the Premier personally told this House when the Premier personally said "the system was there. The question is: Why was it not used?" He said outside, "The situation could have been solved very easily." The Premier said, "A system was in place." Those are two very different answers. Who is telling the truth: the Premier or Dr Sibbald?

**Hon Mr Peterson:** I think we have answered this question on many many different occasions. I have read the letter to my honourable friend and I cannot enlighten him any further, because he refuses to be enlightened.

**Mr B. Rae:** This is a matter of some considerable importance, not only to Mrs Lacroix's family, but to many other patients in the province. The question is, when the Premier gets up a full day after a tragedy has taken place in the province and assures members of this House that as far as he is concerned a system is in place for critical care patients, and he states categorically that the system could have been used and was not used by Dr Nesdoly, and we then find four days later that the expert in the field, Dr Sibbald, states categorically that Dr Nesdoly used all the resources that were available to him, and when

he states categorically that there is no such thing as a critical care hotline and comprehensive system for the treatment of critical care patients—when he says it does not even exist—why was the Premier giving us such a misleading impression last week when he was commenting on Dr Nesdoly's practice and what Dr Nesdoly did—

**The Speaker:** Order.

**Hon Mr Peterson:** My honourable friend stands up there and tries to continually make the same point, even though he is on very fragile ground.

**Mr Wildman:** He is just trying to defend the doctor against you.

**Hon Mr Peterson:** Well, I understand his right to stand up in this House and make a point, but I do not think it is correct that he would want to distort the matter one way or the other, which in my view he is very clearly doing. I quoted a letter from Vickery Stoughton at the Toronto General Hospital, as the facts they were operating on the basis of. It was said by some, including the member I think, there were no critical care beds available in Toronto and in fact there were. We have quoted that letter and it is all there for him to see. It seems to me it is quite clear.

Interjections.

**The Speaker:** Order. There seems to be a lot of comments from both sides. I wish members would watch their language.

**Mr B. Rae:** I would simply ask the Premier this question. He is not prepared to admit that he has made a mistake. He is not prepared to admit that he gave, at the very least, a very misleading impression. He is not prepared to admit that he has been unfair to Dr Nesdoly. He is not prepared to admit that his government has not done what it said it would do last June. He is not prepared to admit that his government has made a mistake and that Dr Nesdoly was right. It is not Dr Nesdoly's fault with respect to what happened. The delay is the responsibility of the government of Ontario.

I would like to ask the Premier. He now says it is Vickery Stoughton's fault because the Premier read his letter. Last week it was Dr Nesdoly's fault because he did not how to use the system. When is the Premier going to start taking responsibility for the failures of his own government?

**Hon Mr Peterson:** I say to my honourable friend, I want to say this very carefully to my friend. If there is anybody who deliberately distorts in this House, it is him and him personally.

**Mr Wildman:** Order.

**The Speaker:** Order.

**Mr Brandt:** Withdraw.

**Hon Mr Peterson:** I withdraw that, Mr Speaker.

Interjections.

**Hon Mr Peterson:** My honourable friend just stood in this House and put words in my mouth. I did not blame Vickery Stoughton, I did not blame Dr Nesdoly, and he would create a different impression.

I say to my honourable friend, he would want to be careful. I have heard him in this House on other occasions standing up on his high horse, accusing members of this House of certain things, not once but twice, and having to crawl back into this House at a quarter to six and make a craven apology because he has been wrong. It is about time he stands up and admits that he is the one who is wrong in this case.

Interjections.

**The Speaker:** Order. If you want to waste the time, go ahead.

**Mr B. Rae:** I am not sure if I heard an offer to come back at a quarter to six or not. We will just have to wait and see.

## GOODS AND SERVICES TAX

**Mr B. Rae:** I have another question for the Premier. It is about the goods and services tax. The Premier is on record as saying he was going to fight a provincial election to stop free trade. We all know what effect that had. That was the same election campaign in which he said that he had a very specific plan to reduce car insurance. The Premier has now threatened very widely that he intends to fight the GST. However, yesterday his Treasurer (Mr R. F. Nixon) told us that instead of fighting the GST, he was going to have to commit assault and battery on the taxpayers of the province of Ontario. The fight seems to be with the taxpayer, not with the federal government.

I would like to ask the Premier this simple question. Just what is the plan that the government of Ontario has to fight the GST and is it going to be as effective as the fight on free trade and the plan to reduce car insurance rates?

**Hon Mr Peterson:** My honourable friend talks bravely about the fight on free trade during the last federal election. Was it not his federal leader, whom he was advising, who decided to low-bridge the free trade issue? They were worried about alienating the French. It was the Liberal Party that carried the fight against free

trade. The members of the New Democratic Party and their federal leader wimped out on it. That is the reality and that is now the subject of great internal debate in their party. He should be embarrassed to stand up and even take that point of view. So he should not tell me about who fights and who does not fight. They are the ones, when it comes down to it, who disappear on these matters.

Let me tell the member, the Treasurer was there yesterday representing the views of the province. The premiers have said it is unacceptable, and we shared all that information with my friend.

**Mr B. Rae:** I did not hear an answer to my question. I heard the usual array of personal abuse, which I have now come to expect from the first minister of the province, but apart from that, I did not hear an answer.

Since the Premier is such an expert on the question of credibility, I wonder if he would comment on the credibility of his own government, which promises to fight a campaign against the GST, describing it as inflationary and everything else, when at the same time the revenue to his own government from a retail sales tax in the province of Ontario has gone from \$5 billion when he took office to a projected \$9.5 billion next year. Just what is his credibility in fighting a goods and services tax when the Liberals themselves have raised the sales tax by one per cent and revenues have gone up over \$4.5 billion in that period?

**Hon Mr Peterson:** My friend continues to believe he takes the high road and nobody else does. Let me tell him, there is nobody who has engaged in more personal attacks in this House than he personally and he should know that. So I just do not think we have to take a lecture from him.

Let me say to my honourable friend, he is quite right. We have raised the provincial sales tax in this province and we have spent that on services for the people of this province. When he talks about credibility, how can he, every day, come in here and say, "Spend more, spend more, spend more," and then say, "You should not raise taxes"? If anybody has a credibility problem, it is my friend.

1420

**Mr B. Rae:** I want to come back to this question. The Premier has told us, the Premier told the people of the province, that there would be no free trade deal "if David Peterson became the Premier." That is what he told people before 1987. In 1987 he told people that he had a

specific plan to reduce car insurance rates. Now we have the Premier going around saying he might even have to call an election on the question of the GST.

I tell him the phoniness of his campaign needs to be exposed and it is going to be exposed now. Where does he start telling the people of Ontario that he is going to fight the GST when he has been the master of assault and battery on the taxpayers of this province when it comes to sales taxes in Ontario?

**Hon Mr Peterson:** My friend is talking about the next provincial election. Obviously he is a very, very nervous fellow at the present time. He was obviously afraid to go in Ottawa because he knew he would be decimated there. Now he is afraid to stay here and fight an election here. Let me tell my friend, when the election comes I will be happy to share the issues of the day with him.

He can have his view for the people and put it forward—how he is going to cut taxes, increase spending and lower the deficit at the same time. He, with his magic, may be able to do that, but I can tell him we will put forward a credible program, addressing the needs of the people of this province with a strong and stable tax base that people can afford in a competitive and dynamic economy and province. That is where this government will be and he can be on all sides of every issue, as usual.

**The Speaker:** New question.

**Mr Brandt:** I had a question for the Premier but he answered them all.

Interjections.

**The Speaker:** Order. The member for Sarnia would like to ask a question, and to which minister?

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Brandt:** As I was saying, my question is to the Minister of Colleges and Universities, who also at times acts in the roles of the Minister of Education as well as the Minister of Skills Development.

As the minister is well aware, there is a large number of college students who have appeared here at Queen's Park and taken the trip to Toronto to indicate their concerns about the college system, the current strike and the problems surrounding funding for college education. Would the minister indicate what steps he intends to take to break the current deadlock that has come into place between the college system and the teachers?



**Hon Mr Conway:** I thank the honourable leader of the third party for the opportunity to address a very important issue facing the province at the present moment. I can tell the House that earlier today I met with a delegation of the student assembly and I also, with others in the assembly, met that group of students on the steps of the Legislature. I would like to tell the House what I told those students.

The government strongly supports that collective bargaining process. We certainly appreciate the concern of students, but we recognize that as supporters of the collective bargaining process the best settlement is going to be arrived at while at the negotiating table. Both parties have it within their powers to resolve this at the negotiating table. The mediator stands by to assist in any way that he possibly can. I would strongly encourage all members to continue putting the pressure where it belongs, and that is on both parties, to take advantage of the collective bargaining process to resolve this in the best interests of the students and the community college system at large.

**Mr Brandt:** I can appreciate the minister wanting to stand on the sidelines to some extent with respect to the activities that are going on at the present time, but I wonder if the minister could help me in understanding why it is that he will not take a direct role in intervening in this matter to try to bring about a quick, orderly and responsible settlement so that the students can get back into the classrooms as quickly as possible?

**Hon Mr Conway:** Mr Speaker, if you understand and support the collective bargaining process, you understand that it is up to the parties to accept their responsibility to return to the table and to solve this in the best interests of the students and of the system. I mean what I say when I say that I support the collective bargaining process and I repeat that both parties have it within their power to resolve this at the bargaining table. It is to that table that I would strongly encourage both parties to now return to take the opportunity to use the mediator in any way that might be productive and I simply say again that I appreciate the students' concern, I share with them the desire to get this resolved, but let us not kid ourselves: The best resolution is a negotiated resolution. That can only occur when the parties return to the table and solve it there, between themselves.

**Mr Brandt:** Anticipating that answer, I would call the minister's attention to 8 November 1984, when the now Premier and the Leader of the Opposition at that time criticized the then

Minister of Education for not moving expeditiously to resolve the dispute that was current at that particular moment. I ask the minister what has changed so rapidly between 1984 and 1989 that what was right back in November of that year is inappropriate or improper now? Why will he not intervene, as his leader suggested in his discussion with the then Minister of Education back in 1984 when he called for intervention?

**Hon Mr Conway:** Because in the circumstances of this situation there can be no doubt that both parties have it within their power to resolve this at the table and I repeat what my honourable friend from Sarnia knows better than most people in this assembly and that is that if this matter is to be resolved, it will be resolved by the parties at the table. The mediator stands by ready and willing to assist in any way possible and I repeat, I expect both parties to return to that table and to resolve this in the best interests of the students and of the community college system at large.

#### HOSPITAL SERVICES

**Mr Eves:** I would like to return to the issue of Mrs Lacroix that we discussed with the Minister of Health yesterday. I would like to simply read the minister her own quote of last Thursday 12 October from Hansard, when in response to the Leader of the Opposition she said, and I quote, "The Emergency Hot Line for use by physicians around Ontario...staffed 24 hours"—a day—"was not used nor was the trauma team consulted, but all have confirmed that the patient would have been accepted had they been contacted as part of the normal procedure that is in place for patient referrals." Does the minister still stand behind that statement?

**Hon Mrs Caplan:** The member opposite continues to display his lack of credibility in this House. I will send him a copy of the letter from the Toronto Hospital, in which the quote is contained and that I was quoting on that day.

**Mr Eves:** I do not know what delivering a letter has to do with answering the question I asked. I asked the minister if she stood behind the quote that she made.

**Mr Callahan:** You do not read your mail.

**Mr Eves:** I do not usually have a habit of reading other people's mail.

Dr Nesdoly is not alone. I was talking today with several physicians around the province, one of whom is Dr Pressnail of Barrie. He had a similar incident on 8 and 9 August of this year, whereby he had a woman patient and at 10 pm started looking for a hospital in the province of

Ontario. She required some very serious neuro-surgery help. By six the next morning she had gone to Toronto General Hospital, whose emergency department admitted the woman and then sent her back to Barrie by ambulance at 6:30 am on the next day. They finally found a physician for her in a hospital that would take her and try to handle her problem at noon the next day and she subsequently died.

Is this another isolated incident? Are we going to blame Dr Pressnail like we blamed Dr Nesdoly? Perhaps I could read some of the other—

**The Speaker:** Thank you. Order. The question is, is this an isolated case?

1430

**Hon Mrs Caplan:** I would say to the member opposite that this is not the appropriate forum for discussing individual cases. I would say to him that I am always happy to investigate any individual case and I know how difficult it is for the professionals in this province and for the families of patients in this province to have confidential information discussed in this House.

I would say to the member that because he stands in his place and says that I am blaming someone, that does not make it true. I have never stood in this place and blamed anyone. I have talked about the dedication of the professionals in this province and I would say to him that he should stand in his place and acknowledge that, which is true.

**Mr Eves:** Seeing as how the minister is into reading letters today, she will undoubtedly be aware of a press release issued by the Ontario Medical Association today. It goes on to say:

"It seems to us that when problems like this happen,"—we are talking about Dr Nesdoly's case—"the government points fingers of blame at hospital administrators, doctors and nurses.

"To attack the integrity of a member of the medical profession or any other health care provider in such a manner is intolerable. Mrs Caplan has said many times that she wants the co-operation of all health care providers; however, when circumstances like this occur, she blames the providers.

"It would help to create the mood of co-operation that she says she wants if she and the Premier would apologize, in writing, to Dr Nesdoly, and do so immediately."

Will the minister do that immediately, please?

**Hon Mrs Caplan:** I will say again to the member, I know he has difficulty understanding some of the things about our health care system. I

know that on occasion he plays word games and on occasion in this House he has real trouble in understanding the information that I give to him. I will say very clearly that never, never in any way have I ever assessed blame, never have I ever questioned physician judgement and his saying so or anyone else's saying so simply does not make that true.

#### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr R. F. Johnston:** I have a question for the Minister of Colleges and Universities around the strike question as well.

Is it not the case that in fact the minister is already a third party at the bargaining table? He is the silent parsimonious partner at that table, the partner who has passed through 5.5 per cent to a system which is in growth in numbers of students, in growth in terms of demand on programs, yet he expects these people to be able to settle at the table. Why will he not admit that he basically is there at the table right now in terms of his underfunding?

**Hon Mr Conway:** No, it is not true that under the Colleges Collective Bargaining Act passed by the Conservative government of some years ago that the Minister of Colleges and Universities is at the table. But it is true that this is a government which over the last four years has seen operating grants overall to this system, which has not seen great enrolment growth; in fact, 1989 enrolment as compared to 1985 enrolment would show roughly the same total numbers. It is true that in that time of relatively stable enrolment growth this government has seen the operating grants to the system overall increase from approximately \$460 million to now almost \$700 million, an increase of over 50 per cent.

**Mr R. F. Johnston:** The minister well knows that the reason that we are having a strike at the moment is not the particular matters that are on the table, but this is a system which is feeling very much under siege and under question, whether it is Vision 2000 and the whole role of the future of the colleges or whether it is the undermining of programs, like the gutting of programs at Niagara College and other colleges in the province of Ontario over these last number of years.

It is the minister's funding which is making it impossible for the two sides to come together on this matter. I do not know understand why he will not admit that it is that parsimonious nature of this government which is causing the difficulty.



**Hon Mr Conway:** I repeat to my good friend, who needs no lecture about the dynamic of the collective bargaining process, that the reality of this government's funding to the college sector over the last four years is quite contrary to his analysis, and I repeat, while the system overall has not seen a very significant enrolment growth, in fact the enrolment growth over a four-year period in net numbers is about stable. The fact of the matter is that the overall appropriations for operating purposes have risen by over 50 per cent, from about \$460 million to nearly \$700 million this year.

I know the assembly joins with me in sharing the concern of those students who gathered on the front steps of this assembly today. They will want me to say again that the resolution that must be arrived at is through the collective bargaining process. The two parties at issues are the College of Regents, representing the 22 colleges, and the union. Let those people return to the negotiating table and let those people, in the interests of the system and the students, arrive at the earliest possible resolution at the negotiating table.

#### EMPLOYER HEALTH LEVY

**Mr Pope:** I have a question for the Treasurer. The Treasurer will be aware that on 30 September, Statistics Canada published—

Interjections.

**The Speaker:** Order. I did not hear. To which minister?

**Mr Pope:** My question is to the Treasurer. The Treasurer will be aware that Statistics Canada issued a report at the end of September, which indicated that tax increases pushed inflation almost a full percentage point higher this year. It is therefore the view of Statistics Canada and many business and community groups across this province that tax policies, including this government's tax policies, are a major contributor to inflation in this country and in this province.

The Treasurer is also aware of growing discussion about the competitiveness of Ontario as a jurisdiction in which to invest and locate and continue to operate a business. First, we have seen the advertisements for the competitive advantage to Saskatchewan and Quebec in their recent budgets. That and other comments led the Treasurer of this province on 6 October to be reported as saying that Ontario must stay competitive to keep businesses, and quoting tax rates and tax policies as the main issue in addressing the competitive position of Ontario.

**Mr Speaker:** And the question?

**Mr Pope:** The question to the Treasurer is, will the Treasurer follow the lead of the province of Manitoba and give exemptions for small businesses in this province from the employer health levy that he is about to impose in this province?

**Hon R. F. Nixon:** The honourable member no doubt has perused the legislation that is before the House now. He would be aware that the rate for small business is less than one per cent. As a matter of fact, at the minimum wage, the employers make their contribution at about less than five cents an hour. We do not think that that is going to be a serious impediment to the competitiveness of small business.

I think this is particularly true, when you look at what the United States, with which we must compete, have to pay for similar medical services. Lee Iaccoca himself, the guru of the free enterprise system, has said that to make Chrysler cars, he pays more for health services than he does for steel in the car. As a matter of fact, the provision of our medicare facilities which, in spite of the comments made by honourable members, is generally seen worldwide as a very good one, an excellent one, is one of the most important competitive advantages that we offer on a worldwide base.

**Mr Pope:** I ask the Treasurer about the small business sector of this province and he gives me a quote from Lee Iaccoca. I do not know where the Treasurer is sitting on this. We are talking about exemptions. We know the question was put to him that Ontario had to be careful that it does not lose business investment and jobs to lower-cost areas of the United States. His response to that was that the warning was a good one. Those are his words.

#### 1440

In light of his own recommendations of his own government in an Annual Report on Small Business in Ontario put out by the Ministry of Industry, Trade and Technology in 1988 about the impact of payroll taxes on the competitive position of small businesses in the province of Ontario, we want to know why he will not give an exemption, not a reduced rate but an exemption, for the small business sector of this province to encourage competitiveness and to keep them in this province?

**Hon R. F. Nixon:** We want to pay for medicare. We are paying about \$14 billion, just a bit less than that. That base is growing at about 10 per cent. Some people in this House feel that is an inadequate growth itself. We have to find the



money for it and at least 16 per cent of that overall cost is going to be based on the tax the honourable member refers to.

In order to recognize the very competitive situation that he is bringing to our attention, we have established a standard rate at 1.95 per cent compared, for example, to three per cent in the province of Quebec. For small businesses with payrolls under \$200,000 a year, the rate is just half that, less than one per cent. We feel it is fair, equitable and competitive.

#### EMPLOYMENT ADJUSTMENT

**Mr Adams:** My question is for the Minister of Labour. Outboard Marine Corp recently announced that it is closing its manufacturing operation in Peterborough. Some 300 jobs are being lost to Belgium, Hong Kong and the United States. Would the minister please tell the House what is being done to help those who are losing their jobs?

**Hon Mr Phillips:** I must say that one of the most difficult jobs as Minister of Labour is being involved in a situation like this where we are talking about lives and the significant dislocation of lives. What we do in a case like this is work with the federal government, labour—in this case, the union—and management in establishing a joint committee, funded I must say by the province, the federal government and by the company, to assist the workers.

We, the provincial government, have what we call an employment adjustment branch. We provide counselling work. We have an employment standards provision that ensures at least a minimum in terms of severance pay, and we will make certain that minimum is adopted.

We are establishing that committee working with labour, management, the federal government and the provincial government to do the very best we can in the significant dislocation to this company, these workers and the city of Peterborough.

**Mr Adams:** A special feature of this matter is the high proportion of older workers who are involved. I wondered if the minister could tell the House what is being done to help these particular workers.

**Hon Mr Phillips:** I think many of the members in the House probably will be interested in this because, tragically, we see a number of plant closings that affect older workers. About a month and a half ago, we signed a joint proposal with the federal government to deal with older worker adjustments. It is a program called POWA, program for older worker adjustment.

It is designed to help workers who are 55 years of age and over. It is designed to assist them for approximately 10 years, from 55 to 65, to assist those people who have exhausted their unemployment insurance benefits, who have found it impossible to find a job, and to provide assistance to the age when they can get their old age pensions. That program we signed jointly with the federal government. We are now setting up the mechanisms for it.

I cannot assure the member that this company will qualify for it but it seems to meet many of the criteria. I would suggest to the member and to the employees involved in it that they avail themselves of the possibility of that program because I think it is a good program and would be of assistance particularly to those older workers affected in this particular case.

#### DARLINGTON NUCLEAR GENERATING STATION

**Mrs Grier:** My question is for the Minister of Health. On 11 October, I asked the minister to conduct a baseline health study of the population surrounding the Darlington nuclear generating station before the station opened. In reply the minister said that the Premier's Council on Health Strategy was conducting a health status study which she said "will provide the kind of information so that in fact we will be able to meet the needs of our future populations."

Upon inquiry, it appears that the facts are that the fieldwork for the council study does not begin until January 1990 and will not be ended until November 1990, so that it will be at least two years before we have any useful statistics from that study. Can the minister explain how the study that she referred me to will be of any use at all in providing baseline data prior to the opening of the Darlington nuclear generating station?

**Hon Mrs Caplan:** The health status survey which is being conducted by the Premier's Council on Health Strategy, as the member opposite has indicated, I think will be a very significant undertaking. It will be the first time in Ontario that we actually have the kind of data and information gathered in one of the largest surveys ever in this country so that we will be able to monitor how we do in the future, evaluate our programs and see how we can have an even healthier society in the future.

**Mrs Grier:** This is the third time I have raised this question with the Minister of Health and she still seems to be unable to understand that the point of a baseline health study prior to the opening of the generating station is to have

accurate knowledge of the state of the health of the population before a nuclear generating station opens in their community. That means things like their white blood cell counts and the level of tritium in the blood, not the kind of questions the Premier's Council study is going to be asking or would have asked even if it had been done before now.

The minister has been asked for this study by all the local councils in the area surrounding Darlington and by the Association of Municipalities of Ontario. Time is running out. Will the minister try to understand and to give me a commitment that she will do some very basic studies before Darlington opens, or else that she will postpone the opening of Darlington—

**The Speaker:** Thank you.

**Mrs Grier:**—until after the Premier's Council study is done?

**Hon Mrs Caplan:** The information that I have for the member is that the Atomic Energy Control Board has commissioned a study by the Ontario Cancer Treatment and Research Foundation of leukaemia rates around nuclear research, processing and generating facilities. I would say to the member as well that the responsibility for monitoring the health of the community is vested with the local board of health and that the Ministry of Health is always offering advice and assistance to local boards.

#### ATTENDANT CARE

**Mrs Cunningham:** My question is to the Minister without Portfolio responsible for disabled persons. I recently spoke to the annual meeting of Cheshire Homes of London Inc. The meeting was extremely well attended; it was well attended by a large number of disabled persons who are anxiously waiting for the recommendations in the John Lord report, especially as they relate to attendant care, to be acted upon. This government and all of us are committed to deinstitutionalization. What is the minister going to do about the recommendations of this report?

**Hon Ms Collins:** I want to first express my thanks to the member for her interest in and her concern about people with disabilities in this province. The Office for Disabled Persons and myself endorse and support the values of self-reliance and self-direction. I want to assure the member that I am committed to the development of long-term strategy for the rationalization of the delivery of support services.

**Mrs Cunningham:** Even taking the most conservative of figures that Mr Lord has pre-

sented, the most conservative of figures, it is clear that the number of persons who need attendant care exceeds the level of current services by some three to 10 times. That is rather significant. Across this province, we have disabled persons who are in need of attendant care by three to 10 times the numbers that we are able to provide at this time.

This group has asked me to go back and address them again in the very near future and I know other members in this House have the same kind of requests from disabled people across this province. My question then is, when specifically can I go back to Cheshire Homes of London and Cheshire Homes across this province and tell them that the minister will be taking action and implementing the recommendations, especially as they relate to attendant care across the province of Ontario?

**Hon Ms Collins:** I know the member is aware of the long-term care study that is being done by this government. A number of members in the cabinet are involved in that: the Minister of Community and Social Services (Mr Beer), the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin) and myself. That is looking at some aspects of the attendant care issue. Those proposals will be dealt with very soon. I am sure the member will become aware of them.

1450

#### FARM SOIL AND WATER RUNOFF

**Miss Roberts:** My question is for the Minister of Agriculture and Food. Last week, a report released by the Conservation Foundation in the United States and the Institute for Research on Public Policy in Canada found that the health risks are increasing for those of us living around the Great Lakes water basin, due to the accumulation of toxic chemicals in the environment. This is of grave concern to myself and to the constituents in Elgin. One of the sources identified as contributing to the problems in the Great Lakes is the chemicals used by farmers and the runoff that goes into the Great Lakes, as well as into the ground water. What steps has the ministry taken to alleviate this problem?

**Hon Mr Ramsay:** Having travelled the province in the last two and a half months and having spoken to the farmers of Ontario, I can assure the member that the farmers of Ontario share her concerns, the same concerns I have, with the quality of our water and soil resource in this province.

There are really two ways of going about this. We can look at abatement of pollution and also at reduction in the use of chemicals in our farming practices. Our ministry is working on both of these tracks. My predecessor the member for Huron (Mr Riddell) introduced a program last year, Food Systems 2002. This is going to be a 50 per cent reduction in pesticides over the next 15 years. Part of the components of this program are research so that we can look at expanding our use of nonchemical alternatives, farmer and consumer education and field advisers to do farm demonstrations.

We also have a grower pesticide safety course that 11,500 farmers have completed to date, and thanks to my colleague the Minister of the Environment (Mr Bradley), we will have that course mandatory by 1991.

**Miss Roberts:** I am glad to see that the minister is dealing with it, but does he foresee any new programs on the horizon that are going to address this problem? Is there anything else he is going to be doing?

**Hon Mr Ramsay:** As I mentioned yesterday to the member for Algoma (Mr Wildman), the federal and provincial governments have signed a soil and water accord that will enable us to enhance our present programs. As the member is aware, we already have a land stewardship program and the soil and water environmental enhancement program that abates much of the runoff into Lake Erie. I hope that with our officials working together, since this accord has been signed, we are going to be able to design some new programs to further combat this problem.

**Mr Wildman:** I can think of a couple of things that smell worse than Lake Erie.

**The Speaker:** I think the member behind you would like to ask a question.

#### ORDER-IN-COUNCIL APPOINTMENTS

**Mr Philip:** I wish the member for Algoma (Mr Wildman) would not talk about smells when I get up to speak.

I have a question for the Chairman of Management Board. Would the Chairman of Management Board inform the House of the total amount of dollars that will be spent as a result of recent increases in remuneration for persons appointed by order in council and would he tell us how many of these appointees have received such increases?

**Hon Mr Elston:** In fairness, I think it is a question for Orders and Notices, but I presume

what the honourable gentleman really wants to do is follow up on a report by Mr McAuliffe. What I think he probably is alluding to is the issue about the report done Monday, I believe. If he would be so kind as to identify it later, I will get specifics. What I did with respect to the material on the CBC show was to ask my office to contact the people who are the subjects of the inquiry to see if we can have their consent to release personal information, as is required by freedom-of-information requests.

**Mr Philip:** There are over 5,000 appointees, so I am sure we are going to get a quick answer on that inquiry.

Would the minister confirm that some have received increases as high as 33 per cent increase in remuneration, and that one or more has received increases of \$19,000 or more per year in remuneration? How can the minister justify that kind of increase on behalf of political appointees when he is offering public servants between four per cent and six per cent?

**Hon Mr Elston:** I have not yet been able to review the material that is the subject matter of that report on the radio. I am in the process of getting the material brought forward. I will be able to provide the member with more detail when I have replies from the individuals about whom the member requested the information. We are in the process of asking those people if they would consent to the divulgence of their pays. We can give ranges, and in fact ranges of amounts that are given to the appointees to the boards are available. Those remain available to the reporter who I think has keyed the honourable gentleman to ask the question.

I am quite pleased to entertain a request through the order paper to provide a detailed answer to this in written form. If he wishes to pursue that avenue, which is really the logical place to pursue that sort of information request, we will be pleased to process it in due course.

#### JUSTICES OF THE PEACE

**Mr Sterling:** I have a question of the Attorney General. I hope the Attorney General is aware of the unrest with regard to the justices of the peace in this city of Toronto. It is my understanding that on Friday many of the justices of the peace will be unavailable for work. There is a very critical situation with regard to these people. Evidently, there are over 3,000 people who will not have their cases or matters heard before the courts on Friday due to the minister's inability to deal with the justices of the peace in a fair manner. They



are at their wits' end. What is the minister intending to do to stem this particular action?

**Hon Mr Scott:** I am always glad to get a question from the member for Carleton (Mr Sterling), but the member for Cochrane South (Mr Pope) has a question of me and he is here so rarely that I thought he should be allowed to ask it in place. Perhaps he will be allowed to come on next.

I am aware of the concern that the honourable member from Carleton has raised—

**An hon. member:** Cheap shot.

**Hon Mr Scott:** No, it is true.

**Mrs Grier:** Also unparliamentary.

**Mr Jackson:** That is against the standing orders of this House. You know better.

**The Speaker:** Order.

**Hon Mr Scott:** All right. If it is against the standing orders of the House, of course I withdraw it, but I do not understand it to be.

Interjections.

**The Speaker:** Order. There seems to be some argument on the standing orders. There is nothing in the standing orders directly. However, the tradition of Parliament is that no member should refer to the absence of another member.

**Hon Mr Scott:** I was not familiar with that rule. That is my fault and I promise never again to make reference to the absence of the honourable member.

The member for Carleton asked a very important question. He is aware of course that for more than a decade in Ontario the justices of the peace have been concerned about the position in which they find themselves. He will also be aware that this government introduced a new Justices of the Peace Act, which was just recently passed, and has appointed a chief judge co-ordinator of the justices system.

The good news is that after a long stall going on close to 20 years, we are now very close to implementing the requirements of the Mewett report as found in the new statute. I am confident that the justices of the peace, who are an important part of the judicial system, will not engage on Friday or on any other day in the kind of unlawful activity to which my honourable friend referred.

**Mr Sterling:** I wish I was as confident as the Attorney General. The president of the association, James Allen, resigned this morning, as I understand it, because he is concerned about the fact that the justices of the peace have been jerked around by the minister's office. They have been

referred from one civil servant to another civil servant to another civil servant and back to the first civil servant without any reply from the Attorney General or any of his ministry.

Bill 93, which the minister referred to in his statement, does not resolve the problem of dealing with the civil service in asking to deal with the remuneration of justices of the peace. As the minister may know, I introduced an amendment that would allow the justices of the peace the same kind of mechanism as provincial court judges have in this province. Why will the Attorney General not make some kind of commitment to the justices of the peace that will provide them with some avenue to negotiate, to talk to an independent third-party group in order to negotiate their salaries and their working conditions in the future? He knows and has said in this Legislature today—

**The Speaker:** Order. The member is now making a speech.

**1500**

**Hon Mr Scott:** It is really not fair to put the question in that way. I practised law, as the honourable member has. I practised law for 25 years in Toronto and in that period of time the previous government, for 25 years, never gave a meaningful increase in salary to either the provincial judges or the justices of the peace or, by the way, to the lawyers who operate under the legal aid plan. When we came in in 1985, we had our hands full. The crown attorneys were going on strike, the lawyers would not work under legal aid, the justices of the peace were on strike and the provincial judges suggested they were going to go on strike.

**Mr Sterling:** When were they on strike?

**Hon Mr Scott:** They suggested they were, in 1985.

Now, we came into office and we have instituted significant wage increases for all these important groups. We have also done one other thing that the justices of the peace specifically asked for. They asked us to implement the Mewett report in the form of legislation and that we have done. I understand the problems they confront. We have made significant headway, trying to play catch-up to 25 years of inactivity and we will continue to do so. I have met with them before and I will be glad to meet with them again, but this kind of misinformation is not required.

Interjections.

**The Speaker:** I think it is time we were keeping things under control around here. The member for Algoma (Mr Wildman).

**Mr Wildman:** I have a question for the Minister of Natural Resources.

**Mr Owen:** Mr Speaker, on a point of order: I would point out to the Speaker that I did rise before the member for Algoma, before, during and after you were standing.

**The Speaker:** I will recognize the member for Simcoe Centre.

**Mr Owen:** Thank you, Mr Speaker. I realize that the colour of my jacket may dazzle or something like that. At any rate, I have a question for the minister—

**Mr Sterling:** A point of privilege, Mr Speaker.

**The Speaker:** I remind the member that the standing order states that this 60 minutes is used for oral questions and points of order, not for points of privilege, so could he bring that up later?

**Mr Sterling:** Okay, Mr Speaker, on a point of order: Is there a difference between a member of this Legislature saying that another member has provided misinformation and calling him a liar? Is there a difference?

**The Speaker:** I am not here to ask questions. I am here to make decisions.

**Mr B. Rae:** It was not a riddle.

**The Speaker:** I beg your pardon.

**Mr B. Rae:** It was not a riddle. There is no trick involved.

**The Speaker:** I think that after today's question period I will have to look at the whole Hansard, just to see what was said.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr Owen:** I have a question for the Minister of Labour. The minister will no doubt recall that I have spoken to him. There also have been media reports that have concerned people in the city of Barrie. The suggestion has been made that there is a linking of illness and deaths with exposure to chemicals used at the former Robson Lang Leather tannery in Barrie. The plant is no longer functioning, but many of the former workers and many of their families are now worried about the effects of any possible exposure that may have taken place on their long-term health. I wonder if the minister could share with us the status of his investigations into these allegations.

**Hon Mr Phillips:** It is a matter of considerable concern, as the member has indicated, to himself, to the people of Barrie and clearly to the former employees and the families involved here. Just to bring the member up to date on what

we are doing, our ministry has established a group to look at a study of the health effects on the affected workers. We are asking for assistance in finding ex-employees. This plant went into receivership in 1986, so we have established a phone number within the ministry, which we would be happy to give to the member and others, to inform us about former employees so we can get help in terms of analysing the health effects on them.

We are going to Cobourg to talk to the employees at the former head office of this firm to see if we can get further records of former employees. Our ministry will be attending the meeting that is scheduled, I think, in Barrie on 31 October. It is a matter of some considerable urgency and interest to us and we very much look forward to this study and hopefully proving one way or another whether these were related—

**The Speaker:** Thank you.

**Mr Owen:** I find that the alarm that has taken place with regard to this particular plant seems to be contagious. I now find that other plants seem to be concerned. The former workers at other plants are saying: "What about the materials we've used on the job when we were working? What about the training that was or wasn't given with regard to what we were dealing with? What about protective clothing in handling of possibly hazardous materials?"

With that in mind, and knowing that the minister is now introducing and pursuing the occupational health and safety bill, Bill 208, I wonder if the minister could advise what this bill could do in the future to try to avoid a recurrence of this type of problem.

**Hon Mr Phillips:** Bill 208 is an important bill and the official opposition will be discussing it this afternoon, as well as the third party, I know. In my judgement, Bill 208 is designed to tackle issues like this. We have in the bill the agency that will be responsible for developing education and training programs so that workers and employers will be trained to identify issues such as may possibly have existed in the Robson Lang situation.

Workers will be certified so that they will be knowledgeable about the workplace. Joint health and safety committees will have the right to regular inspections in the plants. They will have the right to responses in writing to their recommendations. The fines for organizations and companies will be increased dramatically, like to \$500,000. The whole Bill 208 is designed to tackle and substantially improve occupational health and safety.



The one other thing I would say is that there is a program called the workplace hazardous materials information system which I think could have been helpful in this particular instance in identifying perhaps hazardous materials that were in that workplace. The WHMIS program is now in place.

#### MINISTRY OF NATURAL RESOURCES

**Mr Wildman:** I have a question for the Minister of Natural Resources related to the figures published for Ministry of Natural Resources travel and accommodation in the government's Public Accounts. This ministry's travel budget is now second only to the Ministry of Transportation's.

At a time when the ministry's total budget has been cut, when the total number of seedlings purchased for planting has been cut and thousands of seedlings have been destroyed, when the number of forest firefighters has been cut, when conservation officers continue to be underpaid and overworked, how can the minister justify the expenditure of \$132,448 on travel and \$309,409 for accommodation for senior MNR staff, most of it spent on the weekly airlift of staff to Thunder Bay?

Now that the environmental assessment is going to go for another three years, how much more is she going to take from other programs just to pay for travel and accommodation for senior staff?

**Hon Mrs McLeod:** I trust that the honourable member, by his question, is not calling into question the decision on the part of the Ministry of Natural Resources and the Ministry of the Environment to hold a class environmental assessment on the whole matter of timber management and the effect of timber management on the environment.

I hope he is not also calling into question the decision that was made by that environmental assessment board to hold a large proportion of its hearings in Thunder Bay, and in fact in other areas in northern Ontario, which is the very heart of what will be affected by the discussions.

Certainly, the ministry's budget is impacted by the increased cost of the environmental assessment hearings, the class EA hearings that are going on in Thunder Bay. We accept that as being a cost of carrying out this very important hearing on the environmental effects of our timber management plans.

1510

#### PETITIONS

##### TEACHERS' SUPERANNUATION

**Mr Brandt:** I have two petitions. One is a petition signed by 29 residents of the Sarnia area, calling on the Treasurer (Mr R. F. Nixon) to enter into meaningful negotiations with the Ontario Teachers' Federation with the view to obtaining a settlement of the pension which would be fair to teachers.

##### FRENCH-LANGUAGE SERVICES

**Mr Brandt:** The second one is a petition signed by approximately 32 residents of the Sarnia area, objecting to the implementation of Bill 8.

**Mr Owen:** I have a petition, signed by 28 residents of my riding, requesting the repeal of the French Language Services Act, Bill 8, and it is submitted by myself under this statement.

#### REPORT BY COMMITTEE

##### STANDING COMMITTEE ON ESTIMATES

Mr McCague from the standing committee on estimates presented the committee's report as follows:

Pursuant to standing order 57, your committee has selected the estimates of the following ministries and offices for consideration:

Ministry of Municipal Affairs, 5 hours; Ministry of Transportation, 5 hours; Ministry of the Environment, 15 hours; Office for Disabled Persons, 7.5 hours; Office Responsible for Senior Citizens' Affairs, 7.5 hours.

Pursuant to standing order 58, the remaining estimates of the ministries and offices not selected for consideration are deemed passed by the committee and reported to the House in accordance with the terms of the standing order and are deemed to be received and concurred in.

**The Speaker:** Pursuant to standing order 58(b), the report of the committee is deemed to be received and the estimates of the ministries and offices named therein as not being selected for consideration by the committee are deemed to be concurred in.

#### INTRODUCTION OF BILLS

##### COURTS OF JUSTICE AMENDMENT ACT, 1989

Mr Scott moved first reading Bill 62, An Act to amend the Courts of Justice Act, 1984.

Motion agreed to.

**Hon Mr Scott:** I made a statement about this yesterday in statements.



## NOTARIES AMENDMENT ACT, 1989

Mr Scott moved first reading of Bill 63, An Act to amend the Notaries Act.

**The Speaker:** Is it the pleasure of the House that the motion carry?

**An hon member:** No.

**The Speaker:** All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Hon Mr Scott:** The purpose of this bill, unanticipated as it will be by members of the opposition, is to turn the position of the official who is responsible for examining potential notaries from a Lieutenant Governor in Council appointment to a public service appointment.

## TOWN OF IROQUOIS FALLS ACT, 1989

Mr Pope moved first reading of Bill Pr31, An Act respecting the Town of Iroquois Falls.

Motion agreed to.

## ORDERS OF THE DAY

OCCUPATIONAL HEALTH AND SAFETY  
STATUTE LAW AMENDMENT ACT, 1989  
(continued)

Resuming the adjourned debate on the motion for second reading of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

**The Speaker:** I believe the member for Nickel Belt was speaking. He may have some further comments.

**Mr Laughren:** Yes, Mr Speaker, you are correct in your belief. I did adjourn the debate on Monday last.

During the debate I was expressing my concern about Bill 208 and trying to say to the Minister of Labour (Mr Phillips), or trying to convince the minister at least, that our fears were founded, not unfounded as he was implying to us. Let me tell the minister why we are so concerned about the proposed changes in Bill 208, because the minister was pretending that there was really no fundamental change in the bill, he was just making it a better bill. That is what he was trying to convince us of and we simply do not believe that to be the case. We believe that the principles of this bill have been severely diluted.

As a matter of fact, if you look at the bill as having a basic principle of the right of a worker

inspector, for example, or a management inspector to shut down an operation and you remove that right, then in effect you are contravening the principle of the very bill itself. There is no question in our mind that the changes that the minister is proposing are very serious indeed. Let me be specific.

The minister continues to shake his head. I am starting to worry about the minister. If he shakes his head on every single point that is made, it is apparent that we are not getting through to him at all; and not only that, but he may do himself some damage.

**Mr Dietsch:** Which way is he shaking it?

**Mr D. S. Cooke:** It's not up and down.

**Mr Laughren:** It's not up and down.

Let me remind members what he said in his opening remarks on second reading of this bill last Thursday. He said, "I would like to present some changes, and one...approach to a particularly complex question that will be proposed to the standing committee on resources development after second reading." What he is doing is sounding an alarm bell that he is going to suggest—"propose" is the exact word he uses—some changes to the standing committee, which will of course be holding public hearings on this bill, then dealing with it in clause-by-clause to consider any amendments.

The minister goes on to talk about the commitment to the Workplace Health and Safety Agency, which is the umbrella health and safety organization in the province of Ontario. He says, "As a means of facilitating the building of this partnership and contributing to the excellence of its ultimate product, the government will propose amendments to the committee that would add to the agency a full-time, neutral chair." Here we have a proposal that is going to turn the health and safety agency from a bipartite organization into a tripartite organization.

**Mr J. B. Nixon:** With Elie Martel in the chair.

**Mr Laughren:** It would still become a tripartite agency regardless of who was in the chair. Even if the member for York Mills were in the chair, it would be tripartite. I do not know how the minister can continue to say that he is not fundamentally altering the bill.

1520

He says, early in the bill, "That act was founded," talking about the Occupational Health and Safety Act, "on the central idea that it is the people in the workplace who are in the best position to identify and minimize health and safety risks." He says that and then goes to

immediately set up the most important agency in the province dealing with health and safety, the umbrella health and safety organization, by turning it into, not a bipartite organization with workers and management on it, but a tripartite organization. That is a very worrisome move.

I always thought that the internal responsibility system was based on the theory that the people involved with the workplace were the ones who knew most about it, had the most stake in it and would make the most reasonable recommendations for improving health and safety in the workplace. And now here we go taking away that bipartite nature on which the internal responsibility system is based and turning it into a tripartite one with a neutral chair. A neutral chair implies that it is neither management nor labour that is involved in chairing this organization. Then how is it an internal responsibility system if he does that? I suppose the minister could say it is not involved in the direct workplace, but it is still the agency whose responsibility lies with health and safety in the workplace.

The minister goes on, "Bill 208 expands workers' rights to refuse dangerous work so that dangerous work activities, such as lifting unreasonably heavy loads, may be avoided." That is what the bill says. Then the minister says, and this is what has us worried again:

"The government will propose an amendment to the committee to clarify that this right is directed at avoiding current or immediate dangers.

"The long-term ergonomic concerns, such as, for example, repetitive strain, although of equal concern, we suggest will be dealt with more thoroughly by the highly trained health and safety committees."

He says it is of equal concern, but at the same time he will not allow that to be dealt with in the same way as an immediate concern. I do not know why not. It implies that there would be—he does not use the word "frivolous," but at the same time, why would he not allow that to be done? If a place is serious to the long-term health of the worker rather than just the short-term, surely that is just as important, if not more important. If that place has to be shut down, that does not preclude the health and safety committee dealing with it more thoroughly after it has been shut down to see what can be done to resolve the problem. It is not a case of, "If it is dealt with in the short term, therefore it can't be dealt with in the long term." That is what the minister implies. Why did he not leave it the way it was, because there is not going to be an abuse of that. The minister goes on:

"As the government creates joint health and safety committees on construction projects, for the first time we will propose several measures to enhance the effectiveness of Bill 208 in the construction sector.

"First, we would propose to raise the threshold at which certification is required to 50 workers and a project duration of six months."

I believe the bill said 20 workers and three months in its original draft. Once again, that is diluting it.

The minister goes on, and he is talking here about the right to stop work, and this is really the crunch. This is where the ministry and the government came under so much pressure, and it was expressed in a very clear way by the Minister of Industry, Trade and Technology (Mr Kwinter). When the Minister of Industry, Trade and Technology said that he was concerned about the bill and Ontario's competitive position, and that he made no apologies for being the voice of business in the province, and expressed his concerns with Bill 208, I wondered, did he get his knuckles rapped at the cabinet table? It would be interesting to know that. I did not know that ministers went around complaining about a bill that cabinet was dealing with.

**Mr D. S. Cooke:** He stayed in his portfolio. The Minister of Labour got bumped.

**Mr Laughren:** Yes, here is a case where the Minister of Industry, Trade and Technology makes a complaint about a government bill, as a member of the cabinet, and gets away with it, while the former Minister of Labour, the member for York Centre (Mr Sorbara), who is simply trying to shepherd a difficult piece of legislation through, gets bounced on his ear. What kind of government decision-making resides over there? It is a strange way to reward, on the one hand, a minister who is trying to deal with difficult legislation on one hand and, on the other, a minister who does not show much cabinet solidarity in dealing with a piece of government legislation.

I know that the Minister of Industry, Trade and Technology is not here to defend himself but that is his fault, not mine. That is what he said. I really wonder about that.

Anyway, we all know that the problem with the bill was that it gave a certified worker inspector the right to shut down an operation that is deemed to be unsafe, certified by the umbrella organization, the health and safety agency. They had to be certified. But no, the business community launched an all-out lobby, an attack on the government and said, "You've simply got



to do away with that because it is going to give the workers too much control."

The minister, in dealing with that question, says, "The question of the accountability for such authority"—namely, to shut down a workplace—"is important and it has been argued that a unilateral authority to stop work is inconsistent with the collaborative nature and accountability of the joint health and safety committee." That is what he says.

I thought that was the whole idea of the internal responsibility system, that people could shut down an unsafe place and that the people on the job could shut down the place. That is the whole purpose of the internal responsibility system.

The minister goes on to say, "These are issues that will have a profound impact on the day-to-day business of Ontario workplaces." How? I hope when the minister replies he will tell us how these issues will have a profound impact on the day-to-day business of Ontario workplaces. Is it to make them safer, or because they will be shut down, or because it increases costs, or because it would make the workplaces less competitive? What is behind that statement in the minister's opening remarks on second reading of this bill?

He goes on to say, "They deserve a thorough and public debate." Well, they are going to get that anyway, they are going to get a full and public debate before the standing committee on resources development. If the minister really wanted some changes, why would the minister not have let Bill 208 go through the process with the committee in its original form, and, after they have heard from everybody across the province presumably, management and labour, heard all the arguments pro and con, let the committee members move amendments? Is the minister doing that?

Oh no, the minister is going to propose amendments himself. We all know the makeup of standing committees around here: six Liberals, two Conservatives, two New Democrats. We know where the majority is, obviously. So why is the minister—I hope he will tell us this—proposing amendment now rather than listening to the people of the province before he does that?

**Mr D. S. Cooke:** Because he's already heard from the business community.

**Mr Laughren:** Yes. Why not wait and let the committee process proceed? Because if he signals now that he is proposing this amendment,

whether he proposes the amendment now or after the hearings, the word is out, the signal is out.

He says, "We therefore propose to refer this matter...to the standing committee on resources development for further discussion." Of course, that is the purpose of public hearings. But he is not waiting for the public hearings; he is saying it now.

The minister goes on to say, "We would offer to the committee for its consideration one possible approach to the stop-work issue." I hope I am not being too precious on this issue, but look at the choice of words the minister uses there. He does not say that, "We offer the committee one approach to the whole question of not allowing an operation to operate in an unsafe way." He does not say that. This is a value-laden way of wording it. He says, "We will offer the committee for its consideration one approach to the stop-work issue," as though we have got to deal with all this stop-work. He has really loaded his statement with his choice of words.

He goes on to say, "We are very mindful of the need to recognize that where the internal responsibility system is working, and an effective partnership to control workplace risks does in fact exist, decisions ideally" should continue to be made jointly "unless the parties decide otherwise." So what he is saying is: "Leave the status quo in place. Don't worry about it. We won't give anybody the right to shut down an unsafe operation; we'll let the present system remain."

#### 1530

Of course he goes on, "However, where the health and safety record and the demonstrated commitment of the employer to sound health and safety practices are unacceptable, alternative approaches should be considered." In other words, someone is going to have to decide whether or not the health and safety record of the employer is acceptable or unacceptable.

I do not know who makes that decision, but presumably the minister knows who will decide that. Will that be a subjective decision? How will he know whether it is an unsafe or a safe one? What is he going to do with the mining industry, where he has so many deaths every year and an incredible amount of injuries? Every mining operation has an unacceptable health and safety record. They are trying, but the record is unsatisfactory. What is he saying about that? I would be interested in knowing what the minister is going to do and who is going to make a decision as to whether or not it is acceptable or unacceptable.



"One approach could be that the health and safety agency could direct that measures be taken to attempt to improve the situation and create an incentive to strengthen the joint responsibility system." I am not sure what that means either. Is it like waving a wishing wand that things will get better? I do not know what he means there.

"And create an incentive." What is an incentive? Is he talking about negative incentives? Is he talking about positive incentives? Negative incentives would be, for example, an increase in the worker's compensation assessment on the employer. It could be shutting the workplace down. I do not understand it. It could be fines, but there may be no law being broken. The minister is using strange words to try and tell us what direction he is heading with this.

He says one measure is still going on with ways to avoid the stop-work issue, as he would call it. "One measure could involve giving both certified members independent authority to stop work in situations of immediate danger. A second measure could involve the assignment of a ministry inspector to the workplace...up to full-time at the employer's expense, to bring about improvement." Members should think about that one for a minute. The minister is saying, if there is a problem in the workplace, maybe there should be a full-time inspector, at the employer's expense, in the workplace.

I really thought it was very clear to members of this assembly. I can remember, when the standing committee on resources development toured on the mining safety question, that we deliberated for some time on the question of the internal responsibility system and we concluded—and I know and I am going to quote him in a minute—that the former Minister of Labour, the member for York Centre (Mr Sorbara) felt very strongly that the only alternative to the internal responsibility system was an army of government inspectors in the workplace.

Is that what any of us wants? Do the employers in this province want an army of government inspectors at their expense out there? I do not think so. I surely do not. I do not think that the workers in this province want it. Employers do not want it. So what is he talking about? It is a silly solution, when there is an easy one at hand, and it is the original bill, without these amendments.

I was really taken aback when I sat in my place and I heard the minister say that one possibility of dealing with the unsafe workplace is to have an inspector in the workplace, "up to full-time at the employer's expense, to bring about improve-

ment." Well, I would like to know how many inspectors the minister is prepared to hire. I would like to know, in a place like Inco, with an unacceptable record, how many inspectors he is going to have in a place like that. This completely contravenes the entire principle of the internal responsibility system, and I am really surprised that the minister would even consider that.

The members can see there are reasons why we are worried about what the minister is about. Well, we do know that this bill is going to be referred to the standing committee on resources development, a group of legislators who take their work very seriously, and I say that quite seriously. They will hear the presentations, presumably all across the province, and I assume as well that business and labour will make presentations to the committee. I assume that, but—and I am not counselling this—I can tell members it would not surprise me if the labour movement said, "Blow it out your ear." They thought they had a deal on this bill, and the government betrayed them; it really did. If the minister does not believe me, he should ask them. They will tell him.

I suspect they will feel they have so much at stake here that they will make presentations to the committee, but the government will look pretty stupid if it holds hearings on this bill and only the business community makes presentations. I am telling the government it would not surprise me if they did that.

The committee will debate the amendments that are presented to it, either government amendments or opposition amendments, and we will proceed as we always do. Votes will be taken and we will see how it shakes down at the end. But I am really unhappy with the signals that the minister has given about changes he wants to make.

Now, it is possible, of course, that the presentations made by people before the committee will be so strong and so compelling that the minister will not get his way and that members of the committee will not simply take direction from the minister. They will say: "No, Mr Minister. All the evidence we have heard tells us that you are doing something that you do not need to do here." We will see.

I have been around this place a long time, and invariably when the minister indicates that he wants something in a committee, the government members tow the line and the minister gets what he or she wants. We will see, and we will see what the presentations are like. I do hope that presentations are made from both sides, but as I

say, it would not surprise me—because I do not think the labour movement should have to grovel for a safer workplace. I do not think a safer workplace should be up to the bargaining process. I think it should be up to the Legislature to ensure that workplaces are safe, and I would understand the people in the labour movement if they said the betrayal had been of such magnitude that they simply did not want to be demeaned by the process any further. As I say, I am not predicting that, but it sure would not surprise me.

Do members know what bothered me a great deal? It was when the minister indicated that he did not want to allow certified inspectors, worker or management inspectors, on the job to shut down an unsafe operation, because if the members look at the bill carefully, the safeguards against a frivolous work stoppage are substantial.

I will give members an example. An operation can be shut down under the following conditions: “23a(1)(a) a provision of this act or the regulations is being contravened,” in other words, a law is being broken; “(b) the contravention poses a danger or a hazard to a worker; and (c) the danger or hazard is such that any delay in controlling it will cause serious risk to a worker.” If those three conditions are met, the operation, under the original bill, can be shut down.

Now, if a certified worker inspector or a certified management inspector shuts down the place frivolously, out of anger or pique or whatever, then there is a very serious censure of that person. I was reading from section 23a, and under subsection 23c(9), if the worker, or whoever, shuts down a place for frivolous reasons, that person is decertified. That is a very serious thing for somebody who takes the job seriously and has become certified by the central health and safety agency. Further, “If the certificate of a member is revoked by the agency, that person is ineligible to be recertified.” It is not just a tap on the wrist. There have not been abuses up to now, so why is the minister worried about this?

**1540**

I was reading some comments just the other day by the former Minister of Labour, and this was in a publication called OH and S Canada, occupational health and safety. This was in the July/August 1989 edition. It is a Southam Business publication. They were interviewing the member for York Centre, who at that point was responsible for the bill, before he got dumped on his ear.

**Mr Dietsch:** Who got dumped on his ear?

**Mr Laughren:** Mr Sorbara.

**Mr Curling:** Lateral transfer.

**Mr Laughren:** Why does the member not ask him if he feels it is a lateral transfer?

This is what he said. He was talking about the right to shut down a place. “Some people have the wrong impression that the government is interested in investing in individual workers the discretion to decide whether plant A is going to be operating today or not. That’s absolute nonsense,” said the former Minister of Labour.

It goes on: “As well, a good part of the amended act will not apply to small business, he points out. This sector has been very vocal in protesting the bill,” the small business sector.

This is a direct quote: “Ninety per cent of the businesses in Ontario, they tell me, have under 20 employees.... So in some respects this bill exempts 90 per cent of the businesses in the province.” That is because businesses with fewer than 20 employees do not have to have the health and safety committees in the workplace. That is why he said that.

It goes on to say: “‘Anyone who has significant responsibilities in the workplace is under pressure to act reasonably,’” says Sorbara. ‘What we’re trying to do is place qualified, trained, knowledgeable and responsible people in the shoes of workplace inspectors to do what inspectors would do under similar circumstances. Our inspectors aren’t primarily out there to look for opportunities to shut down a workplace and deny people an opportunity to earn a living. But they have a duty when there is imminent danger to order that something stop.’

“For example, Sorbara says, inspectors might lock out a machine because it’s unguarded or because workers nearby do not have the right protective equipment. An employer couldn’t use that machine until the problem was solved.” In other words, under the old act, a worker could refuse to work there, but the operation could continue with some other worker. That is why this bill is important.

Mr Sorbara says: “That’s the kind of thing we are thinking of. Now we’ve got a couple of options.” This is an interesting quote, and this is why I stressed what the minister said a few minutes ago about hiring inspectors to do the job. This is Mr Sorbara speaking: “Now we’ve got a couple of options. Either we can hire every fourth person in the province to serve as a labour inspector, or we can begin a process which, in the fullness of time, when fully in bloom, will give us a system where the workplace parties themselves are taking more responsibility.”



Now that is the internal responsibility system. That is what it is all about. Mr Sorbara saw that. He said we are not going to hire every fourth person in the province as an inspector when it can be done on the job, and done better on the job. Yet, here is this minister saying in his opening remarks that perhaps they are going to have to hire inspectors, paid for by employers, to do the job on the job. I cannot think of anything more ridiculous, and I do not understand why the minister agreed to gut the bill this way; I really do not. I am very disappointed.

The other argument that was used by some people was that unorganized labour was not represented on the health and safety agency, that it was management and organized labour; and on committees and so forth. The member for York Centre argues "it isn't as big a problem as people would have you believe."

"After all," and this is a quote, "'organized labour—the trade unions—hold beliefs that are not diametrically opposed to the interests of other workers. There's not a conflict of interest there,'" he says. "'The substance of what organized labour is talking about is not inapplicable or unrelated to problems that exist in workplaces that are unorganized.'" That argument was a red herring, I think most of us felt.

The member for York Centre saw that this bill was not a dangerous piece of legislation, a threat to management in the workplace. He understood that. This minister though, for some reason that I guess is made clear by the remarks of the Minister of Industry, Trade and Technology, has agreed to go along with pulling the rug on the bill in its original form. We will see as we proceed through the process.

I hope there is full participation in the hearings across the province. I hope we do not try to hold those hearings before we have time to do them properly, for example, when the House is in session. But that is not a decision for the minister to make, and he has not indicated that either, I might add. I do believe that the standing committee on resources development has dealt with a number of health and safety issues and compensation issues and has an ongoing interest in it. I must say the members of that committee have worked very hard when they have been handed issues like this and have done a good job, in my opinion, in dealing with them. I think the minister understands that.

So I do hope that we have a full-blown, participatory process here all across the province. I urge the minister to keep his mind open on these issues and, just because he has made an

opening statement on second reading indicating what he wants, that he does not insist that be the end result, if the hearings indicate and the evidence during the hearings is such that it is not necessary to do those things, and if the members of the committee feel that there will not be interference from the Minister of Labour.

Members can call me naïve, they can say I have been around here too long to even think things like that, but we are dealing with an issue that is extremely important here, and I think we all understand that. It is health and safety that is at stake here. Surely to goodness, if we err on one side, it is on the side of health and safety, not on the side of management rights. I think that is where I come down on any issue of health and safety, erring on the side of safety rather than on management rights.

I understand why there was an enormous lobby out there. I think the concerns were largely unfounded, but I also know that it was very effective.

The former Minister of Labour could not have read the opening speech on second reading that the present minister did. He could not have done it. He would have choked by page 4 or 5. Once he got started saying what amendments he was going to propose to the committee, he really would have choked on his own words, because he could not have swallowed that. He simply could not have.

So it is not fair for the minister to say that the changes which he is proposing are not substantial. They are substantial. Why would he propose them if they were not? If they were not substantial, he would have let the committee process have its way and then have government members, as a result of the hearings, propose some amendments. But he has not done that. He has said, "No, before you even start out there, these are the amendments, the changes we want to make in this bill."

That is a worrisome beginning to this process because I really think the minister should be condemned for not having confidence in the committee process to say "There's Bill 208," and for not saying to the business community: "You go out there and you make your case to the committee. Don't come and lobby me here. Go and make your case to the committee in the public hearings just like everybody else will have to." That is not how it was done. It was done behind closed doors and that is how these proposals came to light. That is not the right way to deal with the committee process around here.



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Why would we bother with this lengthy committee process, the time, the money spent travelling the province, if the outcome is predetermined? It is a waste of time for those of us who serve on the committee. It is a waste of time for the people who make presentations to the committee. If the minister has predetermined all the major changes, forget it. Barrel them through. Do not worry about the committee because it would become meaningless. There is enough cynicism out there about the political process without adding to it by gutting not only a bill, but also the committee process and the public hearing process at the same time.

I urge the minister to think carefully about what he is doing. I know he has been under enormous pressure to bring forth these changes. I understand that, but surely to goodness the role of government is such that one makes those difficult decisions and one does not get sand-bagged by a lobby such as the case with this bill. There is no doubt in anybody's mind about what happened here—nobody's mind. All we can do is hope that the presentations made to the committee are so compelling that members of the committee will seriously consider not doing what the minister has indicated he would like to see the committee do during the clause-by-clause debate and the proposal of amendments.

**M. Pope :** Monsieur le Président, il me fait plaisir de participer à ces débats au nom du Parti conservateur de l'Ontario. Nous avons des problèmes avec ce projet de loi, que j'aimerais indiquer aux membres de l'Assemblée législative et aussi aux gens de l'Ontario par l'entremise de la télévision.

We have some grave concerns about Bill 208. Quite frankly, when we put it in the context of other labour legislation that has been brought in by this government over the past year, our concerns are even more amplified than if this act was taken in isolation.

I must reflect upon, and I am going to over the next few days, the comments of the member for Nickel Belt (Mr Laughren), particularly what I perceive to be his statement—if I misquote him I apologize to him in advance—that “organized labour thought it had a deal” on this bill. I take him at his word that there had been some discussion. If the Minister of Labour or the Ministry of Labour in any way participated in breaking a deal or their word on this legislation, I think that is a very serious matter that reflects upon the credibility of the current minister, his ministry and this government.

I hope we will hear more about this from speakers from the opposition party because that does concern me a great deal. It concerns me a great deal because I have put it in the context of what happened with the workplace hazardous materials information system and with Bill 162 amendments to the Workers' Compensation Act. I bring up WHMIS for one reason.

It was about this time a year ago that the then Minister of Labour approached myself and the members of the New Democratic Party, her Majesty's loyal opposition, and indicated that he needed co-operation to get WHMIS through, with virtually five minutes of statements from each opposition party, in order to meet an agreed-upon federal-provincial timetable for implementation. He indicated that there had been widespread consultation on WHMIS and there was broad general support for it.

We, in our party, took the minister at his word and on the very day he came to us, in fact that legislation was passed. I believe the deadline was 30 October or 31 October for the passage of that legislation.

Then I go back to my constituency and lo and behold, for the next four months I have nothing but complaints about WHMIS and about the way it is being implemented by the employees of the Ministry of Labour, its costs and the concerns that are being raised about how it does not adequately address the needs of operating companies and the needs of their employees.

So I start to wonder what is going on down here when a bunch of people who obviously got together in Toronto—regardless of who they represent and whether or not it be big organized labour or the big trade associations of this province—can sit around over supper and make a deal and then claim that they widely consulted everyone and there are no problems, when in fact I go home to my constituency and I hear nothing but problems about this legislation I was told had broad support.

Then we get to Bill 162 and again we are told there has been broad public consultation with injured workers, organized labour and employer groups across the province of Ontario. And lo and behold, when we proceed to second reading all hell breaks loose and in fact the Minister of Labour of the day, despite being asked three times by myself in speeches on first reading, second reading and committee of the whole on Bill 162, never does produce a list of dates of meetings that he had with organized labour and with employer groups across this province during which the specifics of Bill 162 were discussed.

Three times I spoke; on first reading, on second reading and in committee of the whole at length and each time I put the same request to the Minister of Labour of the day, not the current one, but of the day, to provide that information. It never was forthcoming. Nor do we have an economic impact statement provided to this House with respect to Bill 162 and we all know that the processes of the cabinet of this current government, similar to the processes of the cabinet of the previous Conservative administration, are that for every new legislative package an economic impact statement must be produced for the policy and priorities board of cabinet for it to consider prior to approval of statutory amendments.

So none of that information was forthcoming on the so-called consultation process and second, we find out during second reading and in committee of the whole that in fact there was virtually an unanimous feeling out there across the province by organized labour, by injured workers and their representatives and by employer groups that in fact there had been no substantive consultation on the provisions of Bill 162 whatsoever. Where did that lead us as a Legislature? It led us into weeks and months of hearings in committee on Bill 162, during which time it became clear that there had not been full consultation. Second, it was clear that because of the restrictions on time and availability imposed on the committee by its majority that not every interested party would be heard across the province of Ontario.

We then had the prospect of the then Minister of Labour introducing substantive amendments in the middle of that very process and not allowing the same interest groups to go back and comment on those amendments that he introduced.

So that is some of the background that I bring to this discussion as Labour critic for the Progressive Conservative Party over the past year. These kinds of problems of failure of process, which I talked directly and personally to the minister of the day about, and the confrontation tactics in the legislative process did not serve to further industrial relations and industrial harmony in the province of Ontario. And on three occasions when I spoke of this the answer was silence.

Here again we see, with respect to Bill 208, what appears to be a failure of process, first and fundamentally, and a lack of a consensus from the key players in the efforts that we all support to

improve workplace health and safety across the province of Ontario.

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The same reasons that led us to oppose Bill 162 on second and third readings and in committee of the whole lead us at this point in time to not lend support to Bill 208. With respect to Bill 162, we indicated we were not prepared to support the government on this bill because injured workers, organized labour and worker representatives have not been properly consulted and had advised us that in their opinion the rights of injured workers in this province would be adversely affected by the provisions of Bill 162, and the minister of the day refused to address those concerns and then only laterally after a lot of the hearings had taken place in the committee of the whole.

The same is true of Bill 208. Employer group after employer group, right or wrong, have deluged our offices with objections to Bill 208. They feel they have not been part of the process of developing this legislation and they have grave concerns, if not outright opposition, to the fundamental principles of it.

And so I must say that with respect to Bill 208 our position is exactly the inverse for the same reasons as our position on Bill 162. Failure of the process, unwillingness of the current minister to address those failures now, prior to the commencement of debate on second reading, and a feeling by a very important player in the resolution of this issue for the betterment of health and safety in the workplace, the failure of that key player, the employers of this province to be convinced that this is workable and it is in their interests.

I do not accept the proposition that injured workers with respect to Bill 162 were not interested in reform of the workers' compensation system and making it work better, and I do not accept the proposition that if an employer opposes Bill 208, that employer is not interested in an improvement in the system and substance of better occupational health and safety provisions to protect the workers in the workplaces of the province of Ontario.

It is the responsibility of the government to fully consult prior to introduction of legislation, to craft the legislation to try and minimize legislative conflicts and to do it in a way that achieves a broad consensus of both organized labour and individual workers on the one hand and employers in the small business sector on the other, who must live with the consequences of our act. Both with respect to Bill 162 and with



respect to Bill 208 we have failed to do this as a Legislature.

I say there has been a failure of consultation. I want to indicate that the then Minister of Labour oft-times stated, as he did in a letter to Michael Parker, vice-president of Partak Ltd, general contractors, of Cobourg, which letter was dated 9 May 1989, with respect to Bill 208 as follows:

"The proposed amendments have been formulated following extensive consultations with senior representatives from the business and labour communities. While the introduction of Bill 208 has given rise to controversy in some quarters, it has received very positive reaction from people across the province."

That is a letter from the member for York Centre, who then goes on to outline in detail the principles of the bill. I just want to reiterate what the former minister said. "The proposed amendments have been formulated following extensive consultations with senior representatives from the business and labour communities." It is clear that was not the fact. I would like to, in some detail, put on the record for the current minister some of the comments about what is supposed to be a process of consultation.

The former minister received a letter dated 6 March 1989 from the Canadian Federation of Independent Business. A number of people had signed a petition to him and it involved a meeting that took place on 3 March 1989. The people who signed this petition urged him not to proceed with further legislative review and passage of Bill 208 in its current form, and to seriously consider the views of the business community of Ontario. I gather that these are people who were at a conference hosted by the Canadian Federation of Independent Business, who are asking him to consult. This is the same minister who had said there had been extensive consultation with the business community.

During the meeting that obviously took place on 3 March, and as well, during a presentation to the Institute for International Research conference on occupation health and safety, held in Toronto on 13 March 1989, and this is a document printed by the Canadian Federation of Independent Business, a number of statements were made about the Ontario Occupational Health and Safety Crisis in Ontario, Politics versus Policy. It was a rather interesting perspective, not all of which I share, but a rather interesting perspective on the deterioration of a co-operative, consultative approach to formulating health and safety legislation in the province.

First, there is a very interesting comment, and it is only one paragraph, so I would like to read one paragraph from a 22-page document: "It is time for the politicians, both at Queen's Park and in the union halls, to set aside their pious rhetoric and stop the name-calling, the theatrics and the statistical manipulations. To these people, we say to you, you are not dealing with draconian employers. Overwhelmingly, you are dealing with people who are extremely concerned about the health and safety of their employees because they are their friends and often, their own families. In addition, good health and safety conditions make good sense from a business standpoint."

I think that is a good place to start, that it is the concern of workers and management in this province, and if it is not, it should be. They then go on to indicate that more than a year before both the federal and provincial legislation, a separate Canadian Federation of Independent Business mandate vote resulted in a two-to-one ratio for support in favour of legislating a right for all employees and for any community resident to know about potential hazards in their workplace. I am trying to give members a sense of the philosophical or policy basis from which that organization has acted.

They then go on to detail the events that relate to Bill 208. Their position is that they firmly believe Bill 208 will become an embarrassment to the industrial climate of this province and will destroy any responsible balance of joint labour-management co-operation to achieve safety in the workplace.

They then proceed to give a chronology of the bill and indicate, in no uncertain terms, that although there had been some three meetings over the process of six months with respect to general discussions on occupational health and safety, that the provisions of Bill 208 were never directly put to them or their representatives in any meetings with the former Minister of Labour, the member for York Centre, or the Ministry of Labour officials.

Without quoting further or any more extensively from this, I would ask that the minister consider this. I will just give him the dates, so he can review this internally in the ministry and see if their statement of fact conforms with the statement of fact from the ministry. Let me briefly tell members how this so-called consultation process worked. "The first session we had was on 1 and 2 February 1988 and we discussed the legislation introduced by former Labour minister Bill Wrye, namely, Bill 106. There was



no hint of the many serious provisions in Bill 208.

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"The second session was held on 1 and 2 September 1988 where the ministry first floated the idea of a new authority that would deliver health education and advisory programs. But there was no talk of any new regulatory legislation and, indeed, in a ministry background paper prepared for this workshop, the ministry stated, 'The authority would also undertake a comprehensive review of the Occupational Health and Safety Act and make recommendations to enhance the internal responsibility system.'

"In our view, this meant that one of the first tasks of the new agency would be a joint labour-management study of the effectiveness of the individual's right-to-work refusal, not stop-work, and certainly no sudden new provisions introduced without more detailed consultation and advice.

"The third meeting with the Ministry of Labour and senior representatives of organized labour was held just before Hallowe'en of 1988. This process of consultative tricks and big union treats continued. We were given another background paper which we were told to keep confidential. After all, they said, it was only a rough draft.

"We had received a distinctive impression that there would be other opportunities to examine more detailed proposals. Unfortunately, however, no minutes were taken at any of these meetings.

"Throughout all these loosely managed workshops and roundtable meetings, my business colleagues and I were both consistent and insistent in protesting against a union-dominated structure for any new agency. All throughout the latter half of 1988, my other business colleagues and the CFIB also argued vociferously against organized labour's suggestion to certify individual workers to stop work.

"We finally get to our discussion paper. It was attached as a background information piece to the legislation which was immediately passed at first reading this past 24 January. Along with this entrenched legislation was a press release issued by the Labour ministry which stated, 'I urge expeditious passage.' The conclusion is that our consistent and well-researched concerns were not just ignored. We were set up."

That is exactly the same position that organized labour, injured workers' representatives and organizations took with respect to Bill 162. If

there is a consistency in Bill 162 and Bill 208, it is that one party or another, both of which are needed for consensus and reform and improvement in occupational health and safety with respect to each of these bills, felt their advice was ignored and that they were set up.

We are now about to proceed along the same path of having hearings without having the final detail of the ministry's position on this legislation before us. They want us to pass Bill 208 on second reading without ever introducing their amendments, with just a bare statement of principle from the minister.

I have to agree with my friend the member for Nickel Belt (Mr Laughren) who said that the minister has indicated in his opening statement on second reading, in effect, a reversal of many of the fundamental principles of Bill 208. He cannot say, as he did in his statement at one point, that the essential principles of the bill remain intact and, at the other, do what everyone else realizes has been done, that is, change many of the essential principles of the bill.

The response to this legislation has been serious, multiple, such as to cause the Minister of Industry, Trade and Technology (Mr Kwinter) to say, "I have not seen an issue that strong concerted opposition from the business community as has Bill 208," an indication from the Minister of Industry, Trade and Technology that the current minister would likely alter the wording of Bill 208 to make it more palatable to the business community and cabinet.

Another quote from the Minister of Industry, Trade and Technology: "We had a breakdown in communication. We were lead to believe that there had been consultation with business and that they were on side." The very words of the Minister of Industry, Trade and Technology, a cabinet colleague of the Minister of Labour, indicate clearly that he believes there is a failure of process, a failure of consultation with respect to Bill 208. I would submit, on behalf of the injured workers of this province, there was that same failure of communication and consultation with respect to Bill 162, the Workers' Compensation Act and its amendments.

The concerns that have been raised by the business community are numerous. I want to just summarize some of those concerns really by quoting in part—just through reference, not by reading—an individual group that my friend the member for Nickel Belt would accept as being a credible commentary on labour relations issues and proposed legislation, the law firm of

Mathews, Dinsdale and Clark. They have put out a legislative alert with respect to Bill 208.

Their alert was delivered to our offices as members of the Legislature on 15 March 1989. The title is Legislative Alert, Bill 208 and OHSA:

"On 24 January, the Minister of Labour gave first reading to Bill 208. Bill 208 proposes substantial amendments to the Occupational Health and Safety Act.

"The highlights: Maximum fines for corporations will increase from \$25,000 to \$500,000. A new bureaucracy will be established. The workplace health and safety agency will 'certify' and 'decertify' certain joint health and safety committee members. A certified member may order an employer to stop specific work where the work contravenes the OHSA and poses a serious risk to a worker. Employers will be required to develop a written health and safety policy for the workplace. Minimum number of workers at the project to require health and safety representative reduced from 20 to five." I know the minister has addressed some of these issues so I am just reading it for its historical perspective.

"A constructor must establish a workers' trades committee if work at a project will last more than three months and employ 20 or more workers. An employer or constructor must respond in writing to any health and safety committee or representative recommendations within 30 days, and directors and officers of corporations are given duties under the OHSA and will be subject to quasi-criminal prosecutions with maximum fines of \$25,000 and/or jail terms.

"The Ministry of Labour has publicly stated that these amendments to the OHSA are designed to encourage employers and workers to work together to improve workplace health and safety. The Honourable Mr Sorbara said that the amendments 'will provide labour and management with new opportunities to work jointly to fulfil that responsibility.'

"However, the proposed amendments create additional duties and costs on employers and may result in a more adversarial approach to workplace health and safety issues. Proposed refusal to work amendments will potentially paralyse a job site or production line by a frivolous or intentionally false safety complaint by a certified member. Work may resume only with the approval of a certified worker or an inspector. The degree of downtime and lost production by employers will be dependent on the speed,

availability and efficiency of government safety inspectors.

"Two other critical defects with the proposed amendments are the increased adversarial approach to health and safety in the workplace that these changes will undoubtedly create and the rather one-sided increase in responsibility that is placed on the employer. For example, the proposed amendments, on the one hand, require written employer safety policies, written responses to joint health and safety committee recommendations and compliance with the Ministry of Labour orders.

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"On the other hand, inspectors have new powers to seize employer records, corporate directors and officers have a duty to take all reasonable care to ensure that the Occupational Health and Safety Act and regulations are complied with and maximum fines for corporate employers are increased to \$500,000. The more an employer complies with amendments, the more documentation will be available to be seized and used for quasi-judicial, quasi-criminal prosecution of employers, supervisors, officers and directors. Further, there are no corresponding amendments placing such duties or liabilities on union stewards or union executive members.

"An example of this second defect are the dramatically increased fines, increased duties on officers and directors of corporations and less control over workplace work refusals. This clearly derogates from a balanced approach to the internal responsibility system that the legislation was originally based on. The absence of duties or responsibilities on unions or joint health and safety committees in these amendments adds to this particular concern. It may also diminish the existing relative responsibilities that workers share with others for compliance with the Occupational Health and Safety Act.

"Bill 208, if passed into law in its present form, will substantially increase duties, obligations, costs and the threat of quasi-judicial prosecution against employers and their representatives. This increased adversarial approach to health and safety in the workplace will not likely promote employer-worker co-operation. Added bureaucracy and search and seizure powers of the Ministry of Labour will not clearly assist Ontario workplaces to become better places to work."

That was the initial response last March from the first analysis of the legislation. What I have tried to indicate is the nature of the complaints. We have all received hundreds of letters from



individual employers, from workers and from organizations across the province, the majority of which oppose this legislation.

I must state, however, to support what has been said by the member for Nickel Belt, that the information we have is that not only do the organized labour people support this legislation, not only do they think that they had some sort of understanding about the principles of the bill with the then Minister of Labour, but they have indicated that if this legislation is not proceeded with, and Mr Wilson made this very clear in some of his comments in Kitchener-Waterloo and in other places, they will attempt to increase the pressure on the government to have criminal charges, including serious criminal charges, brought against executives of companies where there are injuries and fatalities in the workplace.

So what I am saying is that the government has now managed to work itself into a position where by passing the legislation, there will be an increasingly adversarial approach in the workplace and, if we refuse to do anything with this legislation, we will have an adversarial approach in the workplace as well, neither of which is in the best interests of this government, of this Legislature or of the people of the province of Ontario.

What we need to have from the minister now, before we vote on second reading, is the list of his amendments to this particular piece of legislation, in detail, introduced for us to review on second reading to see how the principles of this bill have been changed, and we need to allow all of us and many groups across the province to comment on the changes that the minister is now proposing.

If we get into any other process, I say to the minister, we are going to have the same problems that we had in the workers' compensation legislation, where the committee will be constantly interrupted in its work, amendments will be coming in after the fact and during the fact as well as before the fact, people will not feel they have had an opportunity to comment on the final product and no one will be satisfied with the legislative process. Organized labour will not, employers will not, the members of the committee will be totally frustrated and arguing about time allocations, who can be heard and who will not be heard.

I saw their problems. I sat with that committee on Bill 162 in Timmins. I saw the problems they had trying to organize the time with all of the submissions that were presented to the committee across the province. They had a very difficult

time. They attempted to do their best, to hear as many people as they could, but the fact of the matter is when all was said and done, we had a confrontation or a conflict in committee about how many people would be heard, whether or not everyone had a right to be heard and when we would call a halt to this process.

I am not just talking about the debate among committee members, and I understand the conflict that took place there between the various party representatives. I am talking about the opportunity for other groups to be heard, and to be heard with respect to the final product that the minister has in his mind.

I think people are entitled to comment on the final product that the minister has in his mind, not comment on a piece of legislation that has been proposed with substantial amendments to be forthcoming, and then have them forthcoming after the people have made their presentations. It does not make sense and it becomes a very frustrating exercise for all of us here and for the people who want to participate.

One of the concerns with this legislation that has been put to myself and to many members of this Legislature has to do with the fact that unorganized labour will not be represented. That feeling comes not from someone's supposition; that is a direct statement from the Ministry of Labour, that the worker representatives will be drawn from organized labour. If that is not the case, then I think now is the time to say that. If that is not the case, now is the time to put that one to rest.

No one is saying that organized labour cannot represent the same concerns that any employee representative would raise. No one is saying that. No one is saying that a representative of organized labour is less genuine in dealing with occupational health and safety issues, policies and programs, absent the context of industrial relations or collective bargaining. No one is saying that they will not genuinely do their best to focus on occupational health and safety issues. That is the reason they are there. We know that they will do it.

No one is saying that organized labour does not deserve credit for its historic contribution to the improvement of occupational health and safety in the workplace, but many others have shared in that progress. There are unorganized workers who are committed to it in the workplace in co-operation with other workers; employers who have gone beyond the law in the consultation process in improving conditions in the workplace, and employers who have gone



beyond the law to help families and individuals who have suffered from industrial disease.

Many people have contributed to an improved climate in occupational health and safety in this province. They all deserve to be congratulated—they do not deserve to be condemned—and all of them have a right to be involved in this new legislative process, whether they be organized or unorganized, small or large.

A small employer is every bit as concerned about occupational health and safety as a major manufacturer. A small lumber mill operator in northern Ontario in Hearst or Timmins has every much concern for the workers in the mill and in the bush as Chrysler Canada, GM Canada or Ford Canada does. Individual worker groups, who are laying pipe on a construction site in Timmins or Toronto, whether they be organized or unorganized, these small groups have as much concern about working conditions as the Ontario Federation of Labour. They all have a right to be involved in the evolution of this process and to be involved in its administration. It is up to all of us as legislators to find a way to make that happen.

I say lay that one to rest. The minister has broad contacts across the province with organized labour, the workplace and unorganized workers. The minister has the abilities—we all have the abilities—to bring to the fore people who would make excellent contributors to this new process, and it is up to us to find them. It is up to us to give them the help in the context of what we want to do as a Legislature to deal with Bill 208. It is up to us to help them to make it work. I urge the minister to look at that issue and bring some changes forward which would set that issue at rest.

**1630**

I say again, you do not get a broad consensus on occupational health and safety issues by having supper with some of the big-shot corporate executives and some of the big-shot labour executives in this province. That leaves too many people out of it who have as vital an interest and a role to play as those people do. Yes, the consultation process is important—let it proceed—but that is not the be-all and end-all of legislation and the legislative process in this assembly.

Individual companies such as Partak Ltd, a representative of which was here today, have written to individual members of this Legislature voicing their concerns about this legislation. There was much concern, even though the minister in his letter of 9 May to Partek Ltd indicated there had been broad consultation and broad support for Bill 208.

So much concern was voiced to individual members of all parties in this Legislature that the minister, as a courtesy to us, prepared a generic response to Bill 208. That generic response indicated the principles of the bill and tried to address some of the issues that seemed to be a common complaint about this legislation through the mail that all of us were receiving.

How can we claim there is broad support for the principles of this bill when we are getting so much mail, and the minister has to give us a generic response to try to answer the avalanche we have all had in our offices from a variety of groups?

The Canadian Society for Professional Engineers, a professional organization, in a letter dated 19 June 1989, voiced its concerns about this bill and where it placed its members in terms of their professional responsibilities and their professional liabilities; it voiced its very serious concerns on behalf of all its members.

Now we are not just talking about employers; we are also talking about those who are contracted to perform specific services related to the workplace in Ontario. Whether they are engineers, architects or whatever, the concerns are there, and not just from management of specific companies.

Mr Speaker, I meant to give you the date of the generic letter that the former Minister of Labour sent out to all of us. It was dated 6 April 1989. It has the addressee's name in blank, it gives the context of the bill and it repeats the statements that I quoted earlier:

"The proposed amendments have been formulated following extensive consultations with senior representatives from business and labour communities. While the introduction of Bill 208 has given rise to controversy in some quarters, it has received very positive reaction from people across the province."

That statement is contained in the generic response; so if we use this form letter, we are all on record as saying there was extensive consultation and broad support across the province for this legislation. Fortunately, I did not use it, but others may have. In fact, that was the very question being raised by the Canadian Federation of Independent Business and many other business organizations in letters that we all received and in submissions that were made to various cabinet ministers over the past months, including obviously the Minister of Industry, Trade and Technology.

It is clear that the situation has changed with the appointment of a new minister. I hope the

new minister will address the concerns that the member for Nickel Belt put on the record when he indicated that somehow there had been a commitment of this government to organized labour to proceed with the legislation in the form that it was introduced by the former minister, the member for York Centre.

I hope he will address that issue because, whichever party we represent, it is of grave concern if there is a fundamental breach of an understanding that perhaps tied itself to other legislation or to other issues that were being dealt with by the government of the day. I want to leave that issue for the minister to address, and hopefully he will in his response.

The Minister of Labour, in a statement to the Legislature on 12 October, last Thursday, indicated in moving second reading of Bill 208—and I quote from page 2892 of Hansard—“We are firm in the government’s commitment to the principles of the bill.”

This issue was addressed by the member for Nickel Belt so I will not dwell on it at any greater length, but it is my understanding that in seven fundamental areas the minister has either altered or reversed the essential policies contained in the original draft of Bill 208.

I ask the minister, in his response at the end of this debate on second reading, to address the eight principal concerns voiced by the Canadian Federation of Independent Business and other groups, and address whether or not they have been altered by the amendments that the minister may be proposing and at the same time to indicate the text of the amendments that he is now proposing to alter or address the principles he now wishes to incorporate in the bill.

He indicated that Bill 208 was supported in principle. He also indicated that the bill contained a number of measures that strengthened and enhanced the system of occupational health and safety in the province. But he went on in his statement to indicate eight changes in policy that his amendments will entail. I would like to review his statement and give him the eight so he may address this.

1. “As a means of facilitating the building of this partnership and contributing to the excellence of its ultimate product, the government will propose amendments to the committee that would add to the agency a full-time neutral chair.”

2. “To address concerns about the degree of self-determination these organizations will retain and to facilitate a smooth transition, I will propose amendments to the committee that allow

these organizations to decide on their composition of the board of directors as long as 50 per cent of the representation is from workers employed in that sector.”

3. “I also propose to provide for the settlement of disputes, if any, in this regard by an impartial umpire and provide up to two years to make the adjustment.”

4. “The government will propose an amendment to the committee to clarify that this right”—the right to refuse dangerous work—“is directed clearly at avoiding current or immediate dangers.”

5. “In order to ensure that this is done in an efficient, comprehensive and thorough fashion, I would propose changes to the committee that provide for an orderly phasing in of the certification requirements; clarify that the sector-specific training requirements for employer and employee representatives will be identical and that existing training and expertise of candidates will be recognized in the certification and the certificate for certification.”

6. “For the first time we will propose several measures to enhance the effectiveness of Bill 208 in the construction sector.”

7. “In recognition of the intimate nature of the small workplace and the best communication techniques in these workplaces, it will be proposed to the committee” that a requirement “for employers to communicate their workplace health and safety goals and to gain the commitment of their entire workplace by requiring a written policy and program in the workplace”—“be removed from workplaces with fewer than five employees.”

8. “We therefore propose to refer this matter, as well as the bill, of course, to the standing committee on resources development for further discussion and public input.”

I do not know if that means further amendment or not. Having gone through the debate on Bill 162 during this current year, I am not sure what that means.

Again, the minister reiterates in his statement: “The Ministry of Labour has been engaged over the last eight months in consultation with employers and employees. They indicate broad support for the bill both in terms of its principles and in terms of much of the content.”

Clearly, even the Minister of Industry, Trade and Technology does not believe that Bill 208, as it stands before this House in its unamended form, is a result of broad consultation. In fact, as I noted earlier in my statement, he is quoted as



saying there had been a failure or a breakdown of the communications system.

1640

As well, I believe it is clear that there is not broad support for the bill in terms of its principles and much of its content. In fact, there is widespread opposition to the bill in terms of many of its principles and its content, and I think it is those concerns that we have to address.

Many organizations, as well as the Canadian Federation of Independent Business, have indicated their objections to us and to all political parties in this Legislature to the bill: the Canadian Manufacturers' Association, the Council of Ontario Construction Associations, the Retail Council of Canada, the Ontario Trucking Association, the Canadian Chemical Producers' Association, the Ontario Mining Association and the Motor Vehicle Manufacturers' Association.

All of these organizations are important. They are of influence in the economy of this province. They should be listened to. I hope the minister will be meeting with them to redress the failure of the previous minister to do so.

But there is more than that. They have the ability, financial and otherwise, to express themselves, to meet with government, with ministry officials and with the cabinet representatives. They have the ability to lobby us at Queen's Park for their point of view and, in fact, they are used to doing that on various pieces of legislation we deal with from time to time.

My concern is the problems we have from small businessmen, individuals who come to our constituency office in St Catharines, in Niagara Falls or in Timmins, who meet with us on Saturday morning or Friday afternoon or call us in our homes or in our offices on Sunday or Saturday, or any evening when they feel they must take the opportunity to communicate with us, to voice their concerns over this bill and how they think it will affect them.

It may be that from time to time or in some of their specific comments they are wrong. But the fact that they feel this way has to give us all concern as legislators and surely puts the onus, not on us to justify what the Ministry of Labour is doing, but on the Ministry of Labour to come up with comprehensive answers to these very detailed and specific concerns.

I do not want to go through another argument with small employers in Iroquois Falls or Matheson about whether or not they have to label used chemicals in containers when I am being told by the Ministry of Labour that everyone

knows about the legislation and everyone accepts it.

In fact, no one knew about WHMIS in the small business sector, and no one knew what it meant in terms of training, the time that would have to be taken to teach, the fact of designating employees to teach, the cost of labelling and the cost of containerization.

None of that was told to us when this started; I do not want to go through that process again, and we should not have to. Surely it is the obligation of the Ministry of Labour to deal with those details and provide them to us so we can answer these kinds of questions when they come to us.

A generic letter of response from the Minister of Labour saying there has been broad consultation and general support is not good enough when you have people with specific individual concerns.

The lack of detailed response from the government is part of the reason why many groups in this province are being led to question whether Ontario is a good place to come and locate, invest or expand—so much so that the Treasurer (Mr R. F. Nixon) has to address it in his speeches and in question-and-answer sessions across this province. Also, Quebec and Saskatchewan in their budget documents are parading their competitive advantages, not just on taxes but in terms of bureaucracy and legislation and law.

I happen to think Ontario is a great place to work; it is one of the more progressive jurisdictions in the world in terms of workplace conditions and safety and concern for the safety of our workers. I think it is a benefit, not a detriment. But surely to goodness the Minister of Labour and the cabinet members of this government have an obligation time and time again to make these statements, to answer these concerns and to change the laws to make them more palatable, more acceptable and more workable in a co-operative, coherent approach to occupational health and safety in the province.

I hope we are not going to get into the confrontation that evolved out of the processes of Bill 194 that has led to some of the problems we now see in the health care system. Surely we are not going to see the kind of confrontation we have seen with judges and justices of the peace that is going to lead to the kind of job action in the justice system this Friday in this great city. Surely we are not going to have the confrontation from the classroom that we have seen because of the unilateral decision of the Treasurer to rewrite pension legislation without consultation.



We do not need that kind of adversarial process between the government and everyone else in occupational health and safety in this province. We already have two strikes against us with Bill 162. Surely we do not want to strike out as a government and as a Legislature with respect to Bill 208. We need the co-operation of everybody in our first and most fundamental priority of improving occupational health and safety in this province.

It is the minister's role to ensure that co-operation, to ensure that there is a full understanding of the future direction of the government in Bill 208, and if there are tradeoffs, to honour those tradeoffs. That is why I want to return to what my friend the member for Nickel Belt said. Not only that, there is a more fundamental obligation upon the Ministry of Labour to indicate in detail how much paperwork will be involved, how much time per month will have to be spent on Bill 208, what the reporting requirements will be in some detail, what exactly will be the administrative limits of designated employees in the Ministry of Labour to go in and seize records and any other documents that they see fit for the purposes of this legislation.

All these matters, which are raised in our constituency offices, surely are the kinds of nitty-gritty operational things that the Ministry of Labour should be able to answer now.

Bill 208 was introduced in January. Surely to goodness, after nine months, going on 10, we should know how this system is going to work. We should know who the key representatives will be; we should have some idea of their background. We should know what is going to happen in the Ministry of Labour offices on University Avenue. We should know exactly what its impact will be out in various regions of the province and how expeditiously or nonexpeditiously the Ministry of Labour will handle the obvious confrontations that may arise from time to time, albeit regrettable, for whatever reason.

These are the kinds of concerns that lead people to reject innovative reforms and occupational health and safety legislation: the concerns about how it is going to work—not about the goals or principles but about how it is going to work and whether it is going to add to the burden of government intervention and bureaucracy, either in their businesses or in their personal lives, on a day-to-day basis.

We can start putting people in jail, if that is going to be the context of Mr Wilson's comments: "If we don't get Bill 208, we'll start asking for jail terms for executives." Has it

deteriorated to that, where we are going to have jail terms? Surely to goodness the goals we all share for improved occupational health and safety legislation lead us to other, more important avenues. I do not think organized labour or workers' representatives should be reduced to threatening jail terms for people in order to get some adherence to provincial law or to what is required to improve working conditions in the workplace for organized workers or unorganized workers in this province.

I urge the minister in his new capacities to set these concerns to rest; give a detailed statement on how this process will work, and lay some of these concerns to rest. Make sure they do not affect the ability of this Legislature to pass Bill 208 or the willingness of the people of the province to accept Bill 208.

#### 1650

I have some concerns about the establishment of an agency, another bureaucracy. I think the way to go is to have a clear, legal framework of rights, obligations and responsibilities in the workplace and to leave our priority at that. To set up another costly agency with the costs that we have seen the minister estimate—the Ministry of Labour has given us the estimate of how much this is going to cost—I do not think is the way to go.

We already have health and safety associations in this province. We have seen them reformed in 1985 and 1986 as a result of hearings that were held in this assembly. They are starting to work better. Surely to goodness there are other consultative mechanisms that workers and management in this province can adopt on an individual basis, from region to region, and not have some expensive bureaucracy overseeing all out of University Avenue.

There is better and more talent available on a nonpaying, co-operative basis across this province. There are people with experience in the workplace, both good and bad, experience with working conditions, who are committed to a continued improvement of occupational health and safety in this province. I know they would step forward and offer their services to the workers of this province, to the employers of this province and to all of us to make a better system for the benefits it brings to our society.

Even as we speak today, many groups and organizations are formulating representations to the Minister of Labour. This issue is not settled. The issue is not finished. The minister's statement about intent does nothing to resolve the concerns and fears of many people across the

province about where we are headed. Until we have the amendments of the minister, until we are allowed to analyse them and until these many groups are able to analyse them themselves and make submissions to us on an informed basis, knowing what the minister has finally in mind for this bill, until we have that in hand, none of these concerns, none of these criticisms are going to abate whatsoever. The minister has it in his hand now to resolve all of these issues and to continue on.

In summary and conclusion, we have some concerns about Bill 208 that we have tried to be forthright about. On Bill 162, we voted against the bill because organized labour and injured workers and their representatives did not feel they had been properly consulted. We had some concerns about the content of the bill that were not answered by the minister in spite of numerous opportunities to do so.

With respect to Bill 208, we have the employers, and their comments are reiterated by the Ministry of Industry, Trade and Technology, saying that they have not been properly consulted and saying that they have concerns with the principles of the bill. We think the proper process for this government to take now is to suspend the debate on Bill 208, bring in its amendments, allow these same groups that have written to all of us to comment on its amendments, and we will go from there and see if we can get an attitude of understanding and co-operation towards bringing this bill through.

Otherwise, the minister knows what is going to happen. We are going to have long public hearings. We are going to have very confrontational debate and voting in the committee. The process will not have been expedited one whit, nor will this bill be a product of co-operation, mutuality and respect, which we need in occupational health and safety legislation in this province.

The minister has the process in his hands if he wishes to use it. If he does not, we are in for a long session in the committee as we review the bill. It is something I think can be shortened with a little bit of time being taken now.

**Mr Dietsch:** It is a pleasure for me to be able to rise today and speak on what I think is a very solid step in the right direction. I think it is necessary to put it into perspective for my friends who are busy listening to what I say.

We are talking about seven million workdays lost. We are talking about 360 men and women who died last year. We are talking about a provincial cost to the economy of \$700 million,

not to mention the cost of a workers' compensation system of \$1.45 billion.

On Thursday 12 October the Minister of Labour introduced for second reading a bill to amend the Occupational Health and Safety Act. The amendments proposed in Bill 208 will provide Ontario workers with the most progressive piece of legislation in any jurisdiction on this continent.

Bill 208 was crafted to significantly build on two important health and safety principles: (1) that the people in the workplace, both employer and employee, work as partners together to foster health and safety; (2) that the employer and the employee be appropriately trained to recognize and control the risks in the workplace.

These are necessary adjustments to the act, which is now 10 years old. In the interim, we have seen dramatic changes to the Ontario workplace. Work in Ontario is increasingly technical and technologically complex and I know my friends opposite understand that.

Work today is largely based on information, knowledge, awareness and familiarity with sophisticated equipment. As a result, there is a need for workers to be better educated, better trained to carry out their jobs and to do so in a way that makes us competitive in the world market.

The increased complexity of jobs, the utilization of technology and advanced equipment and processes also generates new and more complicated health and safety risks. New equipment brings with it new performance requirements and the new potential for dangers.

As well as equipment, workplaces have seen a huge increase in the numbers and types of chemicals used on the job. Every week new compounds are created and put into our workplaces. The level of protection against potential health and safety risks from such substances requires a far more sophisticated knowledge for us to understand them and take the appropriate health and safety precautions.

Clearly, the workforce must be given the opportunity to become better educated about the materials they are handling on a day-to-day basis. The workplace hazardous materials information system, referred to in this House as WHMIS, the amendment put in place in 1988, addressed this issue of toxic chemicals.

Bill 208 builds on the workplace hazardous materials information system, initiatives in providing for better education and better training of the workplace parties. At the heart of this bill is the principle of fostering a partnership between



business and labour in taking on what is referred to as joint responsibility for health and safety in our workplaces in this province.

**1700**

The bill will create the Workplace Health and Safety Agency. Its chief mandate will be to develop and deliver safety education to men and women in the workplace. The agency will give occupational health and safety a focus it has never had before, providing a source of common direction to attack health and safety problems on a province-wide basis. Most important, it will provide labour and management with a forum in which to discuss, deliberate and act on health and safety matters as equals, as partners—that is right, as equals and partners—on a very important aspect of the agency's education and training function: to develop a standard of knowledge and competence in occupational health and safety.

It will lead to certification of joint health and safety committee members. I know how important that aspect is because I come from a labour background of working 24 years on a factory floor. I can attest to the importance of that education, that training and that need for certification so there are quality people in the workplace.

To become certified, committee members will have to have special training provided for and authorized by the agency. At least one labour and one management member of every committee will be certified. Certification ensures that committee members have the information and knowledge they need to make effective judgements on health and safety matters, a very important issue. I am pleased to see members opposite listening attentively as I address these concerns.

The bill considerably extends the number of joint health and safety committees in this province. Armed with proper education and training, committee members will be better able to acquaint themselves with the testing strategies, such as air monitoring and other industrial hygiene investigations. The bill requires they be consulted and present during such testing.

Armed with that proper education and training, committee members will be better able to understand the technical details of workplace health and safety monitoring reports commissioned by the employer, which the bill ensures committee members have access to.

The bill requires committee members to inspect part of the workplace at least once a month, as long as entire workplaces are inspected at least no less than once a year. That is an

important attribute of this bill. I know that members will work hard on health and safety committees to ensure that those safety concerns are addressed before it comes to the area of dealing with stoppage of work. It will be done on an ongoing basis to ensure that they are addressed on an ongoing basis.

The bill also requires employers to respond to the written committee recommendations within 30 days of those recommendations having been made. I think it is important to note that no longer will it be eligible for employers to disregard those concerns that have been put forward. It will be necessary for them to respond in writing within 30 days—the employer's response being in writing—and if they disagree with the committee, they must set out the relevant reasons why. If he agrees with those recommendations, he must, or they must, outline a timetable on which action will be taken.

Let's look at those points. First, we are going to be dealing with the employer and employee committee that will be reviewing the workplace. It will be addressing the concerns that have been pointed out in writing to the committee. If there is agreement on the concern being addressed as a safety issue, the employer must outline how, when and where these eligible areas will be taken forward with a timetable in which to act.

The bill also expands on the enforcement capabilities of the Ministry of Labour. It increases the ability of the Ministry of Labour inspectors to carry out their role and increase the maximum fine for those convicted of breaking the law.

Following the minister's introduction of the bill for second reading and his suggestions of the kind of changes to some features of the bill, we witnessed in this House a very unfortunate and unfounded attack on the proposed process—disgusting, to say the least.

The member for Hamilton East (Mr Mackenzie) accused the minister and the government of gutting the bill and betraying labour.

**Mr Wildman:** Hear, hear.

**Mr Dietsch:** I can tell the member that nothing can be further from the truth. It is absolutely ridiculous. He knows it and I know it. I cannot allow these kinds of accusations to go unanswered. The changes to the bill amount to a set of proposals from the minister to the committee.

**Mr Wildman:** Oh, come on. Who is being ridiculous now?

**Mr Dietsch:** He sits on the committee and knows these are intended to help make the implementation of the bill more feasible.



Nothing, I repeat, in these proposals undermines the important principles of this bill. The crucial partnership between business and labour, the support for better training, the expanded role of the workers as part of a joint health and safety committee, among many other steps, are all sustained and untouched by the proposals raised last week.

Let's look at the claims made by the member. He says the bill has been gutted. I say let's look at the facts. The bill raises fines from \$25,000 to \$500,000. The bill requires joint health and safety committees at some 20,000 additional workplaces, including retail sites and construction projects, and places these committees in virtually all workplaces with 20 or more employees.

The bill gives these committees a more effective role, as I just spelled out, inspecting the workplace regularly, making recommendations to the employer on health and safety issues and requiring a written response from the employer within 30 days. The bill expands the powers of the ministry inspectors in terms of what they can require. This is truly the most progressive piece of health and safety legislation we have seen in a very long time.

**1710**

The member for Hamilton East claims that the government has bowed to business pressures. Did they advocate a 20-fold increase in fines, the expansion of inspectors' powers or increased responsibility for committees? They did not.

The accusation is that the government betrayed labour by suggesting changes to the composition of the Workplace Health and Safety Agency; specifically, the suggestion of adding a neutral chair. This change is intended to add efficiency and sound administrative strength to the proposed agency. You know it, Mr Speaker, and I know it. This chair would be selected by business and labour jointly. This chair would be responsible to the members of the board.

The accusation is that the proposed changes betray construction workers. On the contrary, the bill requires, for the first time—that is right, for the first time—joint health and safety committees on all projects with more than 20 employees. In addition, the minister is suggesting that where there are 50 or more workers on a project for six months' duration or more, there is the added requirement for certification. The reason for this higher threshold is the high turnover of workers on a construction project and the logistical problems this creates.

There has been a lot of concern expressed over the issue of stop-work. With respect to that issue, the minister has himself pointed out that this is the most contentious issue, that it is one deserving public discussion, and he has proposed a thorough review of this issue, including public hearings at the committee stage.

Something I am proud of in this government is the open and accessible approach to how we deal with legislation, unlike the way legislation has been dealt with in days gone by; long gone by, I would hope.

One possible approach has been made available to the standing committee on resources development and it is intended, again, to preserve the principle of workplace partnership. It has been pointed out that in the bill which is founded on partnership and joint action, it is inconsistent to allow the authority to act unilaterally on stop work. In many cases the working relationships between employers and employees are of the sort that Bill 208 promotes, and at these places, joint arrangements and other approaches are likely to be quite appropriate.

I know that from dealing with workplaces, from a previous role I had before I came into this House. I know my friends opposite shudder every time I mention that I was a union leader and every time I mention that I represented labour. I know that kicks the pegs out from my friends opposite, because they like to hold up the pedestal that they are the only, sole supporters of labour. Not true. There are many of my friends on this side of the House who do an admirable job at representing those concerns. Most particularly, the newly appointed minister has already been recognized as an individual who is willing to hear those concerns and deal with them justly in an air of fairness. No one in the province of Ontario can object to dealing with things in an air of fairness.

There are workplaces where the joint approach is clearly not operating, and those are, as a result, dangerous workplaces. In these instances, other arrangements are clearly required. It is quite possible that, let's call them bad actors, will face independent authority to stop work or will have a ministry inspector assigned to that workplace for as much time as it takes to improve the situation, the health and safety practices, in the workplace.

In other words, nothing the minister said last week suggests that the right to stop work, or the unilateral right to stop work, will be removed from the bill. It is clear to anyone who has read the bill or has listened to the minister in the House that the proposals introduced by the minister in

this House last week are a very important stride forward.

I sincerely hope, and I have that flame of optimism that is part of my Liberal makeup that says we will not find ourselves in the unfortunately ironic situation of preparing legislation giving workers a much greater role in responsible health and safety and at the same time have threats of job action and labour strife ringing in our ears that I sat in this House and listened to. I am talking about in the workplace co-operative partnership, not adversarial roles.

Those of us who truly seek improved health and safety in Ontario's workplaces must continue to work together to ensure that these important steps are put in place in order to bring about a safer, more productive working environment. The bill deliberately sets the scene for those kinds of improvements by placing the principal responsibility for the workplace health and safety on those who have repeatedly told us they want that responsibility—the employer and the employee working together as partners co-operatively, jointly.

It is only when the workplace parties cannot or will not carry out those responsibilities that progressive steps are taken by the appropriate authorities. The members have witnessed them recently and I have witnessed them. They are not the ideal, but sometimes it is necessary to ensure that standards are maintained. Mr Speaker, surely that is the way this workplace in our province ought to operate in the matter of workplace health and safety. You know, and I know, we all win when we work co-operatively together.

There is an increasing trend in business today of involving employees more and more in the running of business. Some of the most successful businesses, in my opinion, are those that have worked in that partnership together. They are businesses that have been founded on employee input. They are businesses that have been founded on joint operations and on co-operative partnership. I think it is important to stress that. The trends in today's workplaces are significantly different and we require that co-operation.

This approach improves morale and job satisfaction. This approach offers benefits for the employees, ideas and input. This approach increases the employee's sense of partnership, commitment and loyalty. Ultimately, these factors contribute to improved productivity and quality.

Health and safety can only benefit from joint commitment. This province's experience with the Occupational Health and Safety Act has in the last 10 years demonstrated that. Where workplace parties dedicate themselves to the internal responsibility system it does indeed have the major impact on health and safety in the workplace. Improved health and safety results in greater productivity and competitiveness by improving that morale and efficiency and lowering those compensation costs. That \$1.45 billion would be better spent on wages in the pocket, rather than compensation costs. We know that; my friends opposite know that. This government is striving to fulfil a chewing away of those costs in those commitments to lower those health and safety traumatic areas in this province of Ontario.

It is my view that Bill 208 offers an appropriate mix of incentives and enforcement measures to make the Occupational Health and Safety Act an up-to-date and effective piece of legislation. As a result of Bill 208 I look forward to safer workplaces, fewer fatalities, fewer on-the-job injuries and fewer work-related illnesses. I know in working together we can accomplish that goal. I know if we all worked as hard towards that goal as sometimes we do at working at odds in this House we could achieve it. That partnership here could spill off into that workplace. I think it is an important extension into that Ontario workplace and it will be more productive and more efficient.

Strengthening the Occupational Health and Safety Act will mean both social and economic benefits and I urge members to allow the committee on resources development to get on with the job of reviewing those outstanding features of the bill and of implementing the appropriate changes that may come as a result of the committee. I have been on the committee and I know there have been changes in the bills that I have worked on and I know that even after many of us leave this House there will, through the committee process, be improvements through public hearing process; there will be input.

I heard my friend opposite comment on the types of development of hearing process that have gone on already and whether we have been open to airing the concerns of the bill wide enough so that business and labour could have input, and was there a consultation process that was large enough that there was a direction that could be followed. There was much consultation. In fact, it still goes on today and I know that it will go on through the committee process. I know that our friends opposite have said that there has been a lack of consultation. Not so.



This bill in fact has had considerable consultation, and I look forward to the public forum process and hearing from members of the community at large, from business, from small business, from construction, from labour, from nonorganized labour, from citizens at large. I know who has taken a great interest in this piece of legislation and will come forward, I am sure.

I cannot help but comment on a few of the points that have been made today and previous comments that have been made. During Bill 162 our friends wanted, in fact demanded amendments be put forward so that the committee process would have an idea on where we were going, what changes were being put forward that they could study, we could study together, work together to make better the end product of that bill.

Not today. Today, they find fault with the fact that the minister gave an indication. We do not talk out of both sides of our mouth. They say we talk out of the whole round of the mouth. It gets confusing from a person who is newly elected but not ignorant of the political process to hear people talk on this side and that side, all around. It becomes very confusing. I cannot believe that the people watching would have an understanding of what is going on.

I know that members opposite have given an indication already of some thoughtful consideration. I know that there are many in the business community who will come forward who have been working towards putting thoughtful and measured print together so they can submit it to the committee, so that we in the committee will have an opportunity to pay close attention, as we have always done. I know from sitting on Bill 162 that the process was open. Now the cries come that it fell on deaf ears.

I know the opposite. I know that the members on the committee took the challenge, they took the information that was brought forward and they sorted it. I might say the committee did a good job under the direction of the committee chairman, and I look forward to this under the direction of the committee chairman, being the same committee chairman I would hope. Certainly he should be rewarded for the very eloquent and direct job that he has done in the resources development committee. I think it is important to note that the committee process allows many individuals in this province to have input into that legislation.

There was a view that just opposition members were interested in this piece of legislation. I want to tell you that I believe every person in this

House is concerned about health and safety in the workplace. I choose to be an optimist in that vein. Albeit we all approach it from somewhat different directions, so only time will tell whether the direction has been a proper direction or not. Only time will tell that. I have no doubt in my mind that time will show the changes that will be made for the benefit of health and safety in the workplace and the province of Ontario will be held up as a model. Many across this nation and across North America will be looking at this model. I know that through the open and accessible process, the sense of fairness that the minister has already exemplified. I know, and I feel quite confident that the process will allow us to develop what I think will be a very good piece of legislation.

### 1730

I want to take the time while I am on my feet to re-emphasize a couple of what I think are very important points. I know everyone is interested in the sense of fairness and in the sense of good legislation in the province of Ontario. I outlined that costs, as high as they are, are really, in my mind, insignificant to the lives that are lost. It is not good enough that we can carry on in the way that we have been carrying on. It is not good enough by today's standards, by today's technology and by today's advancement that we can accept those kinds of injuries as being commonplace within the workplace.

Strengthening labour-management partnership will help us to achieve what I consider our goals. I am pleased to be a part of that process. I have said in my comments that I come from a labour background, that I worked for 24 years on the factory floor, that I understand what workers go through. I have seen workers injured. I have been an injured worker myself. I know the traumatic feelings that not only the workers go through, but their families go through.

I know that the general public at large expects and has the right to demand that we deliver safe workplaces in this province. You cannot do that without proper training. I think one of the fundamental parts of this bill is the fact that we are going to train individuals that they have a sense of partnership within this whole process.

I know, from being involved in health and safety in the workplace, that it requires a co-operative vein; that it requires us to work co-operatively together; that it is difficult for many of us who get swallowed up in our own lives of working on our day-to-day jobs and fulfilling our outside activities on an ongoing basis—and many of them are varied—to find time



to train. To find time for education and understanding and knowledge of those areas of concern is very difficult. This bill will ensure that we deliver proper training to individuals.

We talk about education in the province of Ontario and we all know that it is the base, that it is the foundation, so why would it not stand to reason that the training within the workplace will provide for us the avenue we will take that will educate workers in such a way that they will be able to overcome those areas? They will be able to stop and think before they act in a workplace situation that endangers them, whether it endangers them by loss of a finger, loss of a hand, loss of an arm or however that affects them. It is important that they have that equal footing so that they can work in a better, safer condition and they do not cause the traumatic feeling for their families.

It is, I think, one of the bases for us in this province to make sure that knowledge is provided in such a way that it is accessible and able to be used; that when we look at some of the things that we are finding in the workplace today as being long-range possibilities of accidents or injuries or illness, we develop a technique that we can counteract those areas; that we can develop within ourselves an opportunity that we know that people going into a workplace setting are not going to be subjected to the fears of whether they are going to walk out in a whole form as they walked in.

My friends in this House, having varied backgrounds and varied experiences, know full well that is why I, as an individual, choose to believe that everyone in this House supports the principle of it, supports the meaning and that it is the different approach that we will take, the development that we will enhance ourselves with through the committee process that will allow us to develop legislation that will be second to none.

I have to comment in relationship to the neutral chair in its bipartite approach. The minister, very clearly, very succinctly, pointed out that the "essential...bipartite nature of joint accountability and trust in this agency would be threatened if the bill did not require the chair to be selected by the parties and be accountable to them." That is a quote from Hansard in terms of the delivery of the minister's speech.

Some members opposite, in the excitement of recognizing that Bill 208 was coming on the floor, I think got caught up in what they perceived was in the bill as opposed to what the minister said. I think it is important and I cannot emphasize strongly enough that it is very clearly

pointed out in the address of the minister and all it really requires is my friends opposite to pick it up and read it. It is in the English language. It is easy to understand and it is very clear.

I feel bad that my friend opposite the member for Hamilton East is not able to be with us today to hear my remarks. I know that he probably is in his office listening to my remarks because I know how clear he would want to be on what I am saying today.

As I wrap up, I want to point out that the very important component of the workplace partnership, the education and training, the enhanced rights and responsibility and the enhanced accountability in the workplace are very important areas. I know that I take my commitment serious, not only to this House but to the constituents who elected me, to make sure that the legislation that we develop will in fact be the kind of legislation that will enable us to reach our goals and our objectives.

Let me say that I believe that people in the province of Ontario, after this legislation has had its full public hearings, with its potential for change that comes about as a result of that public hearing process, as all members in this House know, will develop what I consider to be a landmark piece of legislation that many will want to copy, that many will use as the model for ensuring that their workplace employees will be well looked after into the future.

I want to say that that is my belief. I know we can do it. With the help of my friends opposite and the open and accessible committee process that we have, I know it will be achieved. I know that my friends take my comments seriously. I know that they have listened intently, for which I thank them, and I look forward to working with the committee members in the future to develop our landmark legislation.

1740

**Mr Wildman:** I listened to the member's comments and I must say that, while he said at times he was confused by some of the comments made on this side of the House, I was a little perplexed by some of his descriptions of how the committee process works, particularly when he referred back to the debate in committee on Bill 162, the workers' compensation amendment bill.

As I recall in that debate, the members of the party supporting the government on the committee were adamant that they did not want to extend hearings. At one point they did not want any hearings, of course, but when they did have them, they did not want them extended. Then when many, many groups from all over the

province appeared before the committee during the period of time we had for hearings, even though we could not hear half of the ones that had said they wanted to appear, when they appeared and gave us all very similar proposals for amendment to the bill, without question the Liberal members on that committee rejected the amendments. They said the bill had to be passed as drafted.

When we juxtapose that position of the Liberal members on the committee with the position that is being presented to us now on Bill 208 on occupational health and safety, that is why I become perplexed. How is it that in the workers' compensation bill the Liberal members could not accept amendments, even though the overwhelming number of groups that appeared before that committee suggested the need for amending a number of significant parts of that legislation, but now when we deal with the legislation on occupational health and safety, the Liberals are saying we must have amendments, we must consider amendments?

**Mr Elliot:** It gives me a great deal of pleasure today to rise in my place and compliment my desk mate of going on three years now for an excellent summary of a bill which all of us have been grappling with seriously for a fair period of time now. I found his remarks to be succinct to the point that they accurately reflect what is in the bill and, at the same time, I think because of his own personal background, we should pay attention to his comment on the bill a little more closely than maybe we do to some others. He obviously, from some of his comments, has been a labour leader and has been very conscious of safety in the workplace for a good number of years. I think the number he mentioned was 24.

I know from my own experience of probably 30 years in the workplace—mine was a little bit different than his, but I did have a workplace somewhat similar—I too was concerned about safety measures in the workplace. I think the thing we should focus in on here is the awareness level of the need for this particular piece of legislation. The costs associated in money alone are horrendous in this particular area. Something needs to be done.

But in my short time in this Legislative Assembly, I think the human cost associated with both death in the workplace and serious injury or even minor injury in the workplace has been one of the things that I and my staff have spent probably the majority of our time concerned about. It is obvious that something has to be done

with the present legislation to save both the cost in dollars and the cost in human suffering.

I think my colleague the member for St Catharines-Brock (Mr Dietsch) succinctly put together a really nice summary of why we should sit down in committee, further seriously consider this important piece of legislation and make it as good as it can be.

**Mr Morin-Strom:** I would like to respond briefly to the statement by the member for St Catharines-Brock (Mr Dietsch) on Bill 208. The member fails to recognize the fact that this bill, with the amendments that the government is now proposing for it, is a watered-down version of the bill that had been introduced earlier this year.

I find it quite interesting, in fact, that today we have here assisting the Minister of Labour and quarterbacking the bill, the Minister of Industry, Trade and Technology, who has played such a great part in ensuring that the interest of the business coalition that has been acting to fight the provisions of this bill would get the amendments it wanted placed before this House, and ensuring that the Liberal members of this government will come forward and support the business coalition's amendments.

I think it is quite clear that the former Minister of Labour was removed from his post because of the initiatives he had made with respect to the initial writing of Bill 208 and that the bill as originally formulated did provide some measure of health and safety protections to the workers of this province. The gutting of this bill by the business coalition, now supported by Liberal members such as the member for St Catharines-Brock and quarterbacked within the Liberal Party quite clearly by the Minister of Industry, Trade and Technology, has been an affront to all the workers of this province.

I think this member should stand up and admit who it is that he is representing when he discusses this important bill, which the workers of this province want to see in terms of the original form, not in the gutted form that the Liberals are proposing at this time.

**Mr Adams:** I must say I find the remarks of the member for Sault Ste Marie (Mr Morin-Strom) quite extraordinary. I do not speak with the detailed technical knowledge of this legislation that the member for St Catharines-Brock has, but I do speak as a private member of this House who spends an enormous amount of time on Workers' Compensation Board business. Not only in my office do we conduct the business of an MPP, as he deals with injured workers' problems; we also we have worker counsellors



who use my office as a base for their counselling of injured workers. So I see these workers literally on a daily basis.

How the member for Sault Ste Marie can suggest that co-operative legislation—

**Mr Wildman:** On a point of order, Mr Speaker: I really do not like to interrupt the member at this time but, as I understand it, the time is set now for response to the member for St Catharines-Brock and not the member for Sault Ste Marie.

**Mr Adams:** I do understand that, but my remarks relate directly to those of the member from St Catharines-Brock. This is a co-operative initiative. It requires the responsible involvement of both worker and management. As far as I am concerned, the workplaces in this province can only be safe if all of those in those workplaces are involved in safety. This legislation is co-operative legislation involving workers and management.

1750

**The Deputy Speaker:** Comment period is over. Would the member for St Catharines-Brock wish to reply?

**Mr Dietsch:** Yes, I would. I would like to thank my colleagues in the House for their kind compliments, those of them of course who paid kind compliments. I can understand the member for Sault Ste Marie being perplexed. I am perplexed at him lots of times, so that does not surprise me.

It is full public hearings. The process for Bill 208, which we are debating in the House today, is going to develop, I think, a very good piece of legislation.

There is a point that I would like to cover. Continually in this House I hear of the previous Minister of Labour being removed from the post. Nothing could be further from the truth. As one would stand in this House and make accusation after accusation, innuendo after innuendo, it is easy to do those kinds of things. They should put some fact into it, prove what they are saying, then I will believe them. But up to that point in time, I can only consider the source.

The bill is being accused of being gutted. I outlined those areas. Nothing could be further from the truth. The important point is partnership in the legislation, employees and employers working together in partnership. That is what I want to emphasize and that is what will make Ontario workplaces safe.

**Mr Callahan:** On a point of order, Mr Speaker: I notice that the member for Sudbury

East (Miss Martel) is making interjections which are contrary to the standing orders. As well, she is not sitting in her seat. The fact is that we only have four members of the opposition and the third party.

**The Deputy Speaker:** I would like to remind members that interjections from any seat are never in order.

**Mr Wildman:** On a point of order, Mr Speaker: I just want to point out to you that that is Mr Callahan, not Mr O'Callahan.

**The Deputy Speaker:** Thank you very much. Would other members wish to participate in this fine debate? The member for Sudbury.

**Mr Campbell:** One of the fine legislative techniques is how to shave a 30-minute speech down to six minutes, but I will give it a good shot anyway.

I appreciate the opportunity to speak today.

**Mr Wildman:** You can speak tomorrow too.

**Mr Campbell:** I could speak tomorrow too. I understand that. But unfortunately House duty changes and I am not here.

I wanted to talk a bit about partnership and training and the fact that Bill 208 reflects the government's determination to revitalize and strengthen the essence of the occupational health and safety system and create a system that will foster a strong partnership between labour and management to collaborate in controlling the risks in the workplace; a system that will provide us with lasting long-term abilities through improved training and education to reduce workplace illness and injury in this province.

Certainly the idea of Bill 208 is about dealing with partnership and training, strengthening the labour-management partnership for ensuring health and safety at the workplace, ensuring that both labour and management have the training and education necessary to give full effect to their health and safety efforts.

I want to deal for a minute with the changing nature of the workplace. As has become evident throughout the past decade, work in Ontario is increasingly technical and technologically complex. For the most part, work today is based on information, knowledge, awareness and familiarity with sophisticated equipment and processes. As a result, there is a need for workers to be better educated and better trained to carry out their jobs and to do so in a way that makes us competitive in the world market.

The increased complexity of jobs and the utilization of technologically advanced equipment and processes also generates new and more



important complicated health and safety risks. The need for an increasingly well-educated workforce is clear and this need extends to good training in health and safety. Better training provides a way of ensuring that the goal of safer workplaces, which are in the interest of both labour and management, are realized. These goals can only be realized through co-operative efforts in a spirit of partnership.

I have been speaking in some rather general terms about the need for partnership and training. Let me now turn to discuss some of the recent examples of important initiatives in health and safety that embody these principles.

The workplace hazardous materials information system or WHMIS: A key example of partnership and training is the workplace hazardous materials information system, a national system for labelling hazardous substances, providing information on the substances to workers and ensuring that workers have appropriate training on the WHMIS system.

Many Canadians are exposed to hazardous materials on the job. In the past, information about these materials was often incomplete,

inconsistent or not available. This means that employers and workers were often unaware of the hazards of a material in the workplace and necessary handling precautions. By setting standards for the type and amount of information to be given to the user of hazardous materials by providing the appropriate training, it is expected that illnesses and diseases caused by hazardous materials in the workplace would be reduced.

It is important to note that this initiative is a tripartite effort involving a partnership between labour, employers and the federal and provincial governments.

I could go on, but I see the hour is turning up to six o'clock.

On motion by Mr Campbell, the debate was adjourned.

**The Deputy Speaker:** I would like to remind the members of the House that because of an order of the House, the House will not sit tomorrow morning and will reconvene at 1:30 pm.

The House adjourned at 1758.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaître, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinity, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

- McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)
- Miclash, Frank (Kenora L)
- Miller, Gordon I. (Norfolk L)
- Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)
- Morin-Strom, Karl E. (Sault Ste Marie NDP)
- Neumann, David E. (Brantford L)
- Nicholas, Cindy (Scarborough Centre L)
- Nixon, J. Bradford (York Mills L)
- Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)
- Oddie Munro, Lily (Hamilton Centre L)
- Offer, Hon Steven**, Solicitor General (Mississauga North L)
- O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)
- O'Neill, Yvonne (Ottawa-Rideau L)
- Owen, Bruce (Simcoe Centre L)
- Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)
- Pelissero, Harry E. (Lincoln L)
- Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)
- Philip, Ed (Etobicoke-Rexdale NDP)
- Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)
- Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)
- Pollock, Jim (Hastings-Peterborough PC)
- Polsinelli, Claudio (Yorkview L)
- Poole, Dianne (Eglinton L)
- Pope, Alan W. (Cochrane South PC)
- Pouliot, Gilles (Lake Nipigon NDP)
- Rae, Bob (York South NDP)
- Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)
- Ray, Michael C. (Windsor-Walkerville L)
- Reville, David (Riverdale NDP)
- Reycraft, Douglas R. (Middlesex L)
- Riddell, Jack (Huron L)
- Roberts, Marietta L. D. (Elgin L)
- Runciman, Robert W. (Leeds-Grenville PC)
- Ruprecht, Tony (Parkdale L)
- Scott, Hon Ian G.**, Attorney General (St George-St David L)
- Smith, David W. (Lambton L)
- Smith, E. Joan (London South L)
- Sola, John (Mississauga East L)
- Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)
- South, Larry (Frontenac-Addington L)
- Sterling, Norman W. (Carleton PC)
- Stoner, Norah (Durham West L)
- Sullivan, Barbara (Halton Centre L)
- Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)
- Tatham, Charlie (Oxford L)
- Velshi, Murad (Don Mills L)
- Villeneuve, Noble (Stormont, Dundas and Glengarry PC)
- Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)
- Wildman, Bud (Algoma NDP)
- Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)
- Wiseman, Douglas J. (Lanark-Renfrew PC)
- Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)
- Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

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No. 55

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Thursday 19 October 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 19 October 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### TVONTARIO

**Miss Martel:** On behalf of the New Democratic Party, I am pleased to welcome the regional advisory councillors of TVOntario to Queen's Park today. In 1970, five regional councils were established in the province to provide support to TVO. In 1975, the francophone advisory council was developed for the same purpose. Each council consists of 15 volunteers who are appointed by the board of directors to serve for three-year terms.

The councils strive to achieve three goals: first, to be mindful of the educational needs of Ontarians and to bring these to the attention of TVO; second, to increase public awareness of the programming and services of the public network in the regions in which they live; third, to more closely link TVOntario and the people of Ontario, which it serves.

Each council meets four times annually to discuss its work and realization of the above goals. All councils convene together once every 18 months for a three-day conference between themselves, the board of directors and the staff of TVO. Individual council chairpersons also meet with board members twice annually to discuss problems and priorities.

The councillors visiting Queen's Park today come from across Ontario and represent the diverse nature of our province's social fabric. They reflect a wide range of linguistic and ethnic backgrounds and a variety of professional and vocational skills. However, their common commitment is to volunteerism and to the promotion of public educational television in Ontario.

I encourage as many members as possible to meet the regional advisory councillors of TVO, and members are welcome to join the host and Friends of TVOntario in welcoming our guests at a reception in the legislative dining room this evening.

### ALTERNATIVE FUELS

**Mr Villeneuve:** It is time Ontario became more active in supporting the development of

alternative fuels, to clean our air. From 75 to 90 per cent of the carbon monoxide in the atmosphere comes from car emissions. That is a tremendous example of why we need to solve the problem. Fuel ethanol is the only way to reduce this source of pollution.

Ethanol-blended gas has a proven track record as an automobile fuel. Ethanol gas sales represented eight per cent of the total gas used in the United States last year. This is equal to 31 billion litres of ethanol gas or the entire Canadian gasoline market. Ethanol-blended gas can be used in all gasoline-powered automobiles without engine modification. In Ontario it is only being marketed by one oil company at present.

The use of ethanol-blended gas makes sense for many reasons. It would improve the quality of our air in large urban centres such as Toronto by replacing environmentally hazardous compounds such as lead, MMT and aromatic hydrocarbons now being used as octane enhancers. It would reduce the need for increasingly expensive megaprojects to increase domestic supplies of light crude oil. Its benefits to agriculture are substantive and could improve farm income in Ontario. It would be a home grown solution to a major pollution problem. Let's see some commitment from this government to support the ethanol industry in Ontario and let's clear the air.

### TVONTARIO

**Ms Poole:** I too would like to join my colleague the member for Sudbury East (Miss Martel) in welcoming some of our friends from TVOntario to our Legislature today. As Ontario's primary educational broadcasting authority, TVOntario needs no introduction to members of this House.

Today, TVO's regional and francophone advisory councillors are beginning a three-day conference with members of TVO's board of directors and staff here in Toronto. These councillors are all dedicated volunteers and play an integral role in keeping TVOntario in touch with the needs of viewers across the province. The councillors are visiting Queen's Park today to participate in various workshops so they may better understand how TVOntario's goals fit into

the goals of this province. I have also warned them that they can consider question period as part of their study of early childhood education.

I ask my colleagues to join me in recognizing the efforts of TVO regional and francophone advisory councillors who are with us today and to applaud these efforts to keep TVO informed of changing educational viewing needs in our province.

[Applause]

#### CORRECTIONAL OFFICERS

**Mr Farnan:** There is indeed a crisis within our correctional system. There is understaffing and there is overcrowding. I want to give a few statistics to the House.

In the Barrie Jail: accommodates 88 men, daily average 93 men, maximum count 114 men; in the Metropolitan Toronto West Detention Centre: accommodates 312 men, average count 357 men, maximum count 410 men; in the Whitby Jail for women: accommodates four women, average count six, maximum count 11. Just this past week, the Toronto Jail recorded its worst record for overcrowding.

There is a vast difference, I put to the Minister of Correctional Services (Mr Patten) between the design capacity of our prison system and the actual population. This is causing untold stress to our correctional officers. It is putting them in an extraordinarily difficult work situation. Indeed, I would suggest to this House that it constitutes a dangerous workplace. We must address this problem.

#### HOSPITAL SERVICES

**Mr Eves:** Over the past week, this House has seen an excellent example of the lack of respect this government has for medical professionals in the province.

When Dr Nesdoly went public with his tragic story about trying to save Stella Lacroix's life, he obviously hit a nerve that the government had hoped would not be touched. After refusing to address the issue of unavailability of beds for Mrs Lacroix, the government came out swinging. The government told us that there was "a system in place but the system was not used," and that "for some reason the people involved did not avail themselves of that service." This statement clearly indicates that the government is questioning Dr Nesdoly's professionalism by suggesting that he did not try hard enough to find a bed for Stella Lacroix.

The Progressive Conservative Party is amazed that the government is so willing to shuffle the

blame for the unacceptable state of our health care system on to the medical profession, which can only work with the resources available to it from this government. We believe the government has maligned all doctors in the province by picking on one doctor who admirably performed his duties under very trying circumstances created by this government's policies.

We find the government's treatment of doctors to be unacceptable. The government should apologize for questioning the professionalism of doctors all around the province.

#### HAMILTON HARBOUR

**Ms Oddie Munro:** The International Joint Commission held its biannual meeting on Great Lakes water quality and levels last week. Of interest to me was the cleanup and restoration of Hamilton harbour. The complexity of research, analysis and remedial action requires a commitment from municipality, region, province and the industrial and manufacturing players.

In my view, the work of the IJC can only be as successful as the political and community will of local communities. Although millions of dollars have gone into improving the harbour, effluent from sewage treatment plants, landfill contaminants, combined sewer overflows and water used for industrial, commercial or recreational purposes remains a challenge in meeting zero discharge and environmental balance. Before we are able to develop our harbourfront for extensive parks and recreation, we must ensure that the cleanup will lead to a balanced ecosystem, with water quality having no ill effects on human health.

#### 1340

We are making progress. Our Woodward Avenue treatment plant, one of the largest STP dischargers into the harbour, operates within the terms of the Great Lakes water quality agreement. Monitoring technology in the ship canal provides indicators of water quality, seasonal fluctuations and flow. Drainage from Redhill Creek now utilizes a retention basin which remediates 25 per cent of the CSO value to the harbour from Hamilton. Research and development continues on suspended inorganic materials, level of nutrients and heavy metals. Dredging containment is proceeding in the Windermere basin. Remedial action plans call for combined sewer overflow remediation, control of suspended solids and computer-assisted control systems.

Ontario's municipal-industrial strategy for abatement has targeted the iron and steel industry for effluent process monitoring, starting in 1989,



with the municipal sewage treatment plants targeted for 1990. There are no easy short-term fixes for Hamilton harbour. Let's do it together.

#### CAPITAL FUNDING FOR SCHOOLS

**Mr Hampton:** Occasionally, as a member of the Legislature, you have the opportunity to sit down with your local boards of education and discuss with them all of their concerns over education. I am sad to say that this is becoming an unpleasant task because when you speak with your local boards of education, what you are going to hear, and what I have heard, is that capital projects have been cancelled or have been postponed, some of them very necessary capital projects like the replacement of a roof on a school, or you hear that is the board having to make very, very difficult decisions about what program to cut.

Does the board cut special education programs and throw children who really have very serious needs to the wind? That, unfortunately, is what some boards are being forced into. Or does the board go to local taxpayers and say to them: "We know municipal property taxes are very regressive and unfair taxes. We know it hurts those who have the lowest incomes the most, but we're going to have to increase it by 10 per cent, 12 per cent, 15 per cent." Or you talk to the board of education, and if it is a rural board of education, it will tell one that transportation grants are now being changed. The Ministry of Education is changing them without any consultation whatsoever with the boards that are going to be affected.

There are some real problems developing out there in local education and this government is making them worse, not better.

#### TORONTO WATERFRONT

**Mr Harris:** On Tuesday of this week the Minister of Municipal Affairs (Mr Sweeney) announced to the House a comprehensive waterfront strategy which he said would be "part of a greening strategy for the entire greater Toronto area."

I applaud this announcement and Mr Crombie's role in particular. I want to say to the minister, however, who is also the Minister of Housing, that his government plans to redevelop the site of the Lakeshore Psychiatric Hospital and Humber College lands for housing is in direct opposition to this goal. Of course, I want to see affordable housing built for the people of Metropolitan Toronto, but not just anywhere and not at the expense of preserving an invaluable

piece of prime lakefront real estate for public use and preserving it as much needed park land.

I had an opportunity yesterday to visit this very beautiful and unique site. I want to remind the minister that there are a number of other sites in Etobicoke that have been identified as being more appropriate for housing, which also allow all of these grounds, waterfront lands in Etobicoke, to be preserved as park land so that future generations of citizens from Etobicoke, from Metro Toronto and indeed from all across this province will be able to enjoy continuous unimpeded access to the lakeshore from Bowmanville to Burlington.

To make a short-term decision today that jeopardizes future generations is wrong. I urge the Minister of Housing to demonstrate his own commitment to the announcement and to have regard for quality-of-life decisions that would have to be made now and the effect they have on future generations.

#### NORTHWESTERN ONTARIO

**Mr Adams:** During the recess I had the opportunity to visit northwestern Ontario, specifically, to visit a number of communities in Kenora riding. I had the good fortune to meet with and be briefed by citizens of the Whitedog reserve, Ear Falls, Red Lake, Dryden, Keewatin and Golden, as well as Kenora itself.

I can truthfully say that northern hospitality is everything it is reported to be, and more. Also, I can report that the residents of this important part of the province are enthusiastic, hardworking, well organized and very well informed.

I was impressed by the diversity of this more than self-sufficient region of Ontario. Here we have varied farming with sheep, cattle, hogs, chickens, corn, vegetables and game, and sophisticated tourism, as well as a mixed mining economy, a well-developed hydro-electric industry and a world-class pulp and paper industry.

The region is equally diverse socially, with representation of all sections of our society, from long-established native people to the most recent of immigrants. My thanks and best wishes to the people of northwestern Ontario. They are one of the foundations of this province.

**An hon. member:** Oh, good statement.

**Mr R. F. Johnston:** What I did on my summer holidays.

Interjections.

**The Speaker:** This is not Stratford. That completes the allotted time for members' statements.



**Hon Mr Ward:** I would seek unanimous consent to recognize a very significant anniversary in this Legislature which takes place, I believe, tomorrow.

**The Speaker:** Would there be unanimous consent?

Agreed to.

#### HARRY AND BOB NIXON

**Hon Mr Peterson:** This is not Stratford, Mr Speaker?

I would like to draw the attention of members of the Legislature to a very special anniversary that will take place tomorrow. The day 19 October 1989 will mark exactly 70 years that the people of Brant county have been represented by a member of the Nixon family.

In 1919 the constituents of what was then known as North Brant elected Harry Corwin Nixon as their representative to the Ontario Legislature. Harry Nixon was only 28 at the time, the youngest member by some five years. He represented the riding for 42 years.

**An hon member:** Forty-two.

**Mr R. F. Johnston:** It has a ring to it.

**Hon Mr Peterson:** Boy, that has a ring to it, does it not? The longest period of continuous representation in the history of this Legislature.

Harry Nixon served the people of Brant County and the public of Ontario in many capacities, including Provincial Secretary to Premier Hepburn and ultimately as Premier himself. It is interesting to note that in describing the role played by Harry Nixon the Canadian Encyclopaedia observed, "Nixon's stability helped balance the Premier's mercurial temperament." There is no similarity in that regard—

**Mr R. F. Nixon:** History repeats.

**Hon Mr Peterson:** —to the present situation. He may well have passed that trait down, who knows.

Above all else, Harry Nixon will be remembered as a passionate advocate for Ontario's farming community. As Mr Nixon himself liked to point out, he was a working farmer, not a gentleman farmer. That is one distinction from his son. In fact, there is a story about the time he was running for office and a heckler yelled out, "If you're a real farmer, show us the calluses on your hands," and Harry apparently shot back, "Before I came here I cut 50 acres of oats with a tractor-binder and if my friend is a farmer himself he'll know the calluses aren't on my hands."

When Harry Nixon passed away in 1961 his seat was filled in the by-election by his son and

our colleague, Robert, and his constituents went from a man who was Premier to a man who has been described, rather accurately I believe, as the best Premier Ontario never had.

Like his father, Bob has worn many hats and all of them well. As the member for Brant-Haldimand, he has made us all aware of the needs of Ontario farmers, like his father, and has helped us to design programs of support to meet their needs. As Leader of the Opposition, he provided always, unlike some present, sound and reasonable and thoughtful criticism and a responsible alternative to the government of the day.

**Hon R. F. Nixon:** That is what everybody said at the time.

**Mr D. S. Cooke:** He was the last one in the party to do that.

#### 1350

**Hon Mr Peterson:** Maybe that was his problem. Who knows?

As Treasurer, his prudent stewardship has steadfastly guided Ontario to a period of unprecedented wealth, thereby ensuring support for our generous network of social programs.

As a cabinet colleague, his sage counsel and wise advice have been indispensable to the governing of this province. Shortly after the cabinet was sworn in following the 1987 election, I was asked, "What does Bob Nixon mean to this government?" I replied then, and I feel even more strongly now that what I said then was accurate, that he is very clearly the single most important member of this government.

A great deal has changed in our province, in our country, since Harry Corwin Nixon was first elected in this Legislature. Back in 1919, Robert Borden was in office, Canada was in transition to peace and Bob Nixon suits were in style, but one thing has not changed and that is that he has provided exemplary representation to the people of Brant county and of this province.

I know that every member will join with me in congratulating Bob, Dorothy, his family and all of his friends on this special anniversary for the Nixon family. The residents of Haldimand-Norfolk and the people of Ontario wish Bob and his family 70 more good ones.

**Mr B. Rae:** I do not know whether this is the 16th or 17th occasion.

**Mr Ferraro:** You are waiting for the eulogy, aren't you?

**Mr Breaugh:** This is the eulogy.

**Mr B. Rae:** This is the eulogy. The Treasurer is remarkably like Tom Sawyer who, every

reader of Mark Twain will remember, had the unique feature of being able to attend his own funeral and hear on a number of occasions the marvellous things that people had to say about him.

Today we are celebrating not simply the accomplishments of Bob Nixon—if you will allow me, Mr Speaker, for a moment to use the vernacular rather than the parliamentary title—we are also celebrating the remarkable contributions of his father to the life of this province and, if I may say so, we are also, I think, remembering Mr Nixon's mother who contributed both as wife and as mother. We are also celebrating this Mr Nixon's wife and his remarkable family who I know will in future contribute greatly to the life of Ontario.

The election of 1919 was a remarkable one. It was a historic one. It literally revolutionized the life of the politics of Ontario, a government which had been in power for many years in a two-party system, which had been in power since Confederation and, indeed prior to Confederation. After the end of the First World War, we had the Winnipeg General Strike. We had a sudden transformation of the Canadian political society and in Ontario, the most conservative and traditional of provinces, it was marked by the election of 1919 and the creation of a very different kind of government that lasted for four years.

Mr Nixon went on from representing the United Farmers of Ontario to joining the Liberal Party and to a remarkable career in the cabinet of Mitchell Hepburn, where he was, as the Premier has quite rightly described, according to all accounts, one of the mainstays of a government that knew good times and bad times, that showed leadership and also had extraordinary political difficulties from time to time.

According to all accounts, and I think it is a view universally shared by historians—and historians are as likely to agree on a subject as are members of different political parties when looking at the past—in all the literature that is increasingly being written about the history of the province, there is a common view that one member of the cabinet stood out as a remarkably non-self-seeking public servant, an advocate on behalf of his constituents and on behalf of a particular true grit vision of Ontario, whose politician antecedents in our remarkable community go back over a century.

Mr Nixon Junior—perhaps we should just call him "Junior" from now on—

**Hon R. F. Nixon:** Doesn't seem to hurt Mr Felix.

**Mr B. Rae:** —is someone whom I have learned to respect and I think everyone in this House has learned to respect his remarkable abilities and capacities as the Treasurer of the province. I also knew him for a time when we shared opposition benches and, of course, I now occupy the role which he himself had to perform for many years and I think he has a sense of the joys that are perhaps unique to this particular office.

I have also spoken in the past about the affection I have for Mr Nixon and I am sure it is an affection that is shared by a great many members. One of the things I think I have learned after 10 years in this life, is the importance of putting things in perspective, the importance of trying, however difficult it may be from time to time, to maintain a sense of respect and indeed, affection for people in other political parties and in other political offices. I like to think that I have many good friends on the other side of the House, as well as in my own party, but I hope I have also been through enough to recognize that cannot always be the case every day.

But seriously, as we celebrate the first 70 years of the Nixon dynasty, when I was asked whether we would give unanimous consent to yet another celebration of the contributions of Nixon Senior and Junior to the life of the province of Ontario, I was only too happy to say yes. On the 75th anniversary, the 80th, the 85th, whatever other anniversaries turn up from time to time, I will be more than glad, whether on this side or indeed perhaps on another side, I will be delighted to pay my tributes to the remarkable contribution to the life of Ontario of the Nixon family.

**Mr Brandt:** I want to join with my colleagues in honouring Mr Nixon on this very important day of his anniversary. I have to say that the first time I got elected, back in 1981 I believe it was, when I walked into this House, of course the distinguished presence of Bob Nixon was felt, not as leader of his party, since he had been leader of his party just prior to that, but certainly as a distinguished member who had a great deal of influence.

I recall very clearly, when my staff asked me if I would say a few words today in recognition of this anniversary, that since Bob Nixon has always been in this House, to the best of my recall, I thought it was his 70th anniversary, but I understand that his father did have a career prior to his arriving in the House and that for 42 years the Nixon family was in fact represented here by Bob's very distinguished father.



Let me just say that we all join today in this opportunity to give our very best of congratulations to Fletcher. A lot of people in this House may not realize that Fletcher is Robert Nixon's middle name. Those of us who know him well, and I have been a long-time friend of Bob's, call him "Fletch."

**1400**

**Mr Breaugh:** That is close.

**Mr Brandt:** I just want to say that I have the deepest of affection and admiration for Fletch. He has, indeed, contributed over the years, as did his father, in a very direct, and I think in a very effective way in building a better Ontario, whether in opposition or whether in government. Although there are times when I have had differences of opinion with Bob Nixon, I have the deepest respect for his integrity and the deepest respect for what I know are his intentions to serve his province long, as we well know, and well.

I want to say that one of the things I do in those quiet, contemplative moments that we all get as members of the Legislature, is to sit in the quiet of my Toronto apartment and read old speeches. As the leader of Her Majesty's official opposition would well know, there is such a dramatic change that occurs with respect to the life of a politician when he moves to the various sides of this esteemed chamber, and I do take, on occasion, the time to read those speeches that Bob Nixon has given in the past, and I want him to know that many of them are indelibly etched in my mind. Many of those speeches rose to great heights in terms of relaying to the government of the day the weaknesses of their position and perhaps the errors of their ways.

For all the differences that we might have on the various issues, Bob, I want to say on behalf of the members of my party who are here today, and many of them who are not here any more today, that we do hold you in the highest respect. You have earned the admiration of 9.5 million Ontarians. You are literally a household word, sir, right across this province, and you are someone who has contributed extremely effectively to this process. I want to say with personal admiration that I raise my glass to you, sir, and offer my congratulations on the 70th anniversary of the Nixon family being elected to this chamber.

**Hon R. F. Nixon:** I say to my long-suffering colleagues that there will only be two, three, maybe four more of these days for them to suffer through. I thank my friends in the opposition for their interesting and kind remarks, and certainly

my good friend the Premier for once again going over this record in his own inimitable way. I appreciate that very much from all of you and the good wishes from all members in three parties. The Leader of the Opposition referred to the election of 1919, when my father was elected as a member of the United Farmers of Ontario. Before that, of course, the party was always rock-ribbed Tory. I do not know whether that brings any comfort to the leader of the third party, whose family was always rock-ribbed Grit. It is just amazing how circumstances alter cases.

One time I was attempting to set down something about my father's political career, and I got stopped early on because the farmers of the time left the Conservative Party since in the prosecution of the war the Union government of the time decided that the farmers' sons should be subject to conscription, and when I came to describe that in some sort of a supportive way I find it falls a bit short of what normally makes for good reading in a bestselling history. However, there may come a time when I can cope with that in a more effective way. There are many aspects of those early days in history when the farmers, supported by the Labour Party of the day, formed a government, much to their surprise. My dad, who had never been in this building before, came in as Provincial Secretary, which is an office which probably should not have been abolished. It had even less to it than being Treasurer.

At the time—I may have mentioned this before—the Sergeant at Arms who had the responsibility that our friend Tom has presently was the same Sergeant who had the job at Confederation, so that there is a bit of a link there. So I talked to a guy who talked to a guy who was present in the first Parliament, and some of those stories even carried on, and I do not intend to burden members with them again.

I think, however, since we are looking at history, that there was sort of a rejection in the community of the two old-line parties, if I may put it that way, a kind of a slogan that from time to time we still hear, and after the four years that the Leader of the Opposition referred to the party was turfed out, almost without a trace. My father and 11 others survived to become Liberals when the truth and justice of Liberal principles finally burst through upon them.

Just as a passing footnote to history, it is probably long enough ago to refer to my predecessor, the Treasurer of the government of the United Farmers of Ontario, who was subsequently indicted, convicted and incarcerated



ed for messing around with some provincial bonds somehow. Any members who want to read the details of that might find it. When I sit in the Treasury boardroom and think about what might have been, I just look at all of those treasurers along there and when I come to that one, I say, "Be careful." Fortunately, I have not been put to any test yet.

I do say it is on occasions like this and certain others, when if partisan differences do not disappear they at least recede and I think all of us on all sides recognize the value of our service here and recognize, also, the motives of every elected member, which tend to be if not identical at least similar. We are here for one purpose only and that is for the betterment of our community and the province of Ontario. We believe in the democratic process and I believe we all feel the great honour that has been conveyed on us to be the spokespersons for our own communities.

I thank the honourable members, once again, and look forward to a continuation of my duties in conjunction with theirs.

## STATEMENTS BY THE MINISTRY

### NATIVE LAND CLAIM

**Hon Mr Scott:** I would like to inform the House that the Supreme Court of Canada, or three members thereof, have today granted leave to the Teme-Augama Anishnabai in their application to appeal the dismissal of their land claim by the Ontario Court of Appeal.

We have also been advised by counsel to the band this morning that the band intends to bring an injunction application in the Supreme Court of Ontario asking the court to halt construction of the Red Squirrel Road.

The government has decided today, as a result of that request, to temporarily suspend construction of the Red Squirrel Road pending the determination of the Supreme Court of Ontario on 26 October 1989.

**Hon Mr Sorbara:** Before I begin with this statement, I just wanted to say that those who are interested in organizing the next tribute to the Treasurer (Mr R. F. Nixon) are supposed to meet in the whips' office tomorrow morning at 10 o'clock.

## CONSUMER WEEK

### SEMAINE DES CONSOMMATEURS

**Hon Mr Sorbara:** It is my pleasure to inform the members of the House that 23 October to 28 October is Consumer Week in Ontario. To celebrate this week, I would like to join the

Ontario branch of the Consumers' Association of Canada in proclaiming Consumer Week in Ontario.

Je suis heureux d'annoncer aujourd'hui aux membres de l'Assemblée législative que la semaine du 23 au 28 octobre a été désignée comme la Semaine des consommateurs en Ontario. Pour célébrer cet événement, je voudrais me joindre à la section ontarienne de l'Association des consommateurs du Canada pour proclamer l'ouverture de la Semaine des consommateurs en Ontario.

Consumer Week activities provide an opportunity for all of us to become more aware of the vital role played by well-informed consumers in Ontario's marketplace. Wise consumers, informed and working with business representatives at all levels, can help ensure that the marketplace operates fairly and effectively.

To commemorate our province's fourth annual Consumer Week, my ministry is undertaking several activities. Among these is the second annual presentation of awards to two outstanding Ontario consumer educators in separate categories, the one being professional and the other being volunteer. As well, we are widely distributing information and educational materials throughout the province.

### 1410

Consumer Week provides an opportunity to recognize and applaud the work of the consumers' association and, indeed, all agencies which promote and support consumer education and awareness in Ontario.

I now refer the members of the House to the gallery where the recently elected president of the Ontario branch of the Consumers' Association of Canada joins us today: Joan Huzar.

With Joan in the gallery are this year's two recipients of the second annual Consumer Educator of the Year awards.

Mary Pappert of Waterloo, a representative of the Kitchener-Waterloo branch of the CAC, is recognized for her many years of voluntary service and leadership towards consumer awareness in the province.

John Kwekkeboom of Welland, a teacher with the Niagara South Board of Education, receives the award in the professional category for his contribution and dedication in the field of consumer education.

I ask members in the House to welcome both of them.

In proclaiming Consumer Week for 1989, we urge the people of this province to reflect on the benefits enjoyed by both consumers and busi-

nesses in a fair and equitable marketplace. The theme of Consumer Week, "Shop smart—it pays," exemplifies the value for consumers of taking the time to understand the marketplace, to comparison shop and to inform themselves about the products they buy.

Le thème de la Semaine des consommateurs «Magazinez l'oeil ouvert. C'est payant.» fait ressortir que les consommateurs doivent prendre le temps de comprendre le marché, de comparer les prix et de s'informer sur les produits qu'ils achètent.

It is my pleasure to provide my honourable colleagues with a copy of our Consumer Week kit; they will find copies in their mailboxes downstairs. To recognize this specially designated week for Ontario consumers, I invite members to join me in room 113 following question period for a reception with members of the Consumers' Association of Canada, the award winners and representatives of groups, along with our ministry.

#### EDUCATION FINANCING

**Hon Mr Conway:** I have two statements, both of which I offer in my capacity as Minister of Education. The first statement concerns one of the pieces of legislation that I will be tabling.

Later today, I will be tabling legislation that establishes a new basis for sharing local education revenue between coterminous public and separate school boards, the so-called pooling legislation.

This bill addresses a long-standing issue of equity in Ontario's system of financing education by ensuring fairer access to local tax support on behalf of all students in the province's publicly funded schools. Under its provisions, separate school boards will receive a fairer share of the education taxes paid by the businesses and factories in each community.

Public and separate school boards that have common areas of jurisdiction will share the assessment of publicly traded corporations and their subsidiaries in proportion to the amount of residential and farm assessment that each board has in a municipality.

The education portion of the funds paid by telephone and telegraph companies, in place of property taxes on their lines and poles, will be shared on the same basis. This sharing of the assessment of publicly traded corporations and telephone and telegraph receipts will be phased in over a six-year period.

As well, business partnerships will be able to direct a portion of their assessment to the separate

school system in proportion to the stake in the partnership held by Roman Catholics.

This legislation does not affect the rights of individuals, sole-proprietorship businesses and private corporations to designate school support.

Provincial grants to school boards will be increased to ensure that the public school system, on a province-wide basis, does not suffer a loss of revenue as a result of these changes. As well, additional compensation will be provided that no public school board will experience a net loss of revenue as a result of these changes. This initiative will be phased in over six years, with annual grant increases of some \$30 million each year.

The bill also includes provisions to adjust separate school board boundaries and separate school zones. These measures will facilitate the sharing of the local tax base by aligning the boundaries of separate school boards with their public counterparts.

Where the current system of separate school zones has prevented Roman Catholics from supporting a separate school board, these measures will now ensure that their right to access and support Roman Catholic education equals their right to access and support public education.

The boundaries of existing separate school zones will be expanded so that they cover the whole of a municipality or geographic township. Separate school zones will no longer subdivide municipalities.

The designated area of a county or district combined separate school board will be deemed to be one separate school zone and will be made congruent with the boundaries of the public board. New separate school zones will now encompass an entire municipality or geographic township.

Let me conclude by emphasizing that the purpose of this legislation is to provide all publicly funded school boards with fairer access to the local tax base for the education of all children, wherever they live in Ontario.

#### TEACHERS' SUPERANNUATION

**Hon Mr Conway:** My second statement concerns a second bill that I will be reintroducing later today. I will be withdrawing and replacing Bill 41, An Act to amend the Teachers' Superannuation Act, which received first reading last June.

The bill I am introducing today does not differ in substance from the previous bill. Like its predecessor, it is intended to ensure the security

of teachers' pensions and benefits for all present and future members.

I am introducing a new bill because a number of technical details have been modified since Bill 41 was introduced in June. These modifications were made as a result of the discussions between the government and the administrators of the plan and have been reviewed by representatives of the Ontario Teachers' Federation. I have decided to introduce a new bill rather than deal with numerous technical amendments.

As yet, the important issue of how the pension fund will be managed remains unsettled. Three options for governance will be available for consideration by all members at the committee stage of this bill.

I am very much looking forward to the debate which will lead to the establishment of an effective mechanism for governance so that the major policy changes in this bill can be implemented.

## RESPONSES

### NATIVE LAND CLAIM

**Mr B. Rae:** I want to respond to the statement that was made by—I do not know whether he was making it as the Attorney General or as the minister responsible for native affairs. It is an interesting combination of roles at this particular time.

I simply say to the minister that he has not stated what I think is the critical question; that is, what will be the stance of the Ontario government in the Supreme Court of Ontario, faced with this particular application from the band?

The fact of the matter is that there is a unique opportunity now for the government to sit down with the band on the basis that the road construction will not proceed, and on the basis of a full discussion on all the possibilities and realities of life in the area to reach a comprehensive settlement with the band, recognizing its claim to land, a financial settlement and its claim to a say in the management of the resources upon which it is dependent.

Just today in the Toronto Star there is a tragic story of two native people who died on the streets of Toronto after drinking something; we are not sure what it was. We face a critical reality in this country and in this province. Either we come to terms with our first people, either we build a province in which their claim to citizenship, ownership and management of their resources is recognized, or we face a very different path, one which will see continued cultural deprivation, poverty, lack of control over resources and the

extraordinary personal decline and personal problems that result from that.

We face an opportunity; the question is, does the Liberal government have the courage to take that opportunity?

## 1420

### TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** Let me respond to the Minister of Education's last announcement first, if I might put it that way.

This is the ultimate in the art of the euphemism. Here we have a bill that is being withdrawn and a new one brought in because there were so many amendments that it would have been absolutely ludicrous to have presented them to us. How many? One can only presume there must have been hundreds of technical amendments, because Bill 20, the other lot levy legislation that has been brought forward, now has 54 amendments being brought forward to a 48-section bill. God knows how many there were to Bill 41.

I notice the past Minister of Education, now the government House leader, the member for Wentworth North (Mr Ward), has slipped from the House. He promised us we had to have this by the end of December. We did not need public hearings on this; everybody knew what this issue was about. Now we find that we have to have a totally new bill.

It was a nicely done announcement today, I think. I must say I am disappointed that the one substantive announcement is that there is no change in the principle, that the teachers are still not going to be partners in the control of their own plan.

### EDUCATION FINANCING

**Mr R. F. Johnston:** The first announcement by the minister deserves equal response. I think it is important to say that the government is hanging its hat on this notion of pooling at the expense of real equity within the whole education system.

The one thing I have learned on the select committee on education this summer is that this move to local pooling will do nothing to address the major regional poverty problems that there are for boards in the province. My colleagues from northern Ontario will tell the minister that pooling virtually nothing or the assessment of one industry is going to mean either virtually nothing to the boards or substantial damage to the local public boards.



My colleague the member for Algoma (Mr Wildman) was saying to me how ironic it is that the Sault Ste Marie public board will now have to share with the Roman Catholic board in Sault Ste Marie, but the Central Algoma board, which serves the area where many people who work at Algoma Steel live, will get not one cent of the assessment from Algoma Steel.

The terrible inequities that lie around the province regarding this matter are enormous. I hope this government does not see this as a first step towards province-wide pooling, but sees that we need a major overhaul of our educational finance system, to make sure that progressive tax dollars are shared in ways that are more meaningful than regressively attained taxation in the province.

I regret I did not leave enough time for my colleague the critic for Consumer and Commercial Relations to make his remarks.

#### CONSUMER WEEK

**Mr Brandt:** I want to respond briefly to the Minister of Consumer and Commercial Relations in connection with the acknowledgement of Consumer Week.

I would like to indicate the strong support of our party for the concept of the work being carried out by the Consumers' Association of Canada and the need for such an organization in our province and right across this country. I say so in the context of the realization that in an increasingly complex marketplace there is a need, and I think a very real demand, for the kind of educational and informative services that are provided by the consumers' association. They do act as a watchdog in our society, and they do attempt to make sure that consumers receive fair treatment in the marketplace and value for their money. For that, I would like to congratulate them.

On behalf of our party, I also want to congratulate the award winners for both the voluntary and the professional categories and to recognize that without the consumers' association there would probably be a need and/or demand for more government involvement, which is not necessarily better. Personally, I happen to think the voluntary sector and an organization like the consumers' association can in many instances do a better, more equitable and perhaps more balanced job of making sure that the marketplace is conducted in an appropriate and fair manner as opposed to the way in which government may come in, in a rather heavy-handed way, with a lot of legislation that is

expensive to police, and we all know how those costs add up in our tax dollars.

Ladies and gentlemen, you save the citizens of this province many tax dollars through your efforts. I applaud you for that, because we need more of your kind of people helping us to make it a better Ontario.

#### EDUCATION FINANCING

##### TEACHERS' SUPERANNUATION

**Mr Harris:** I want to comment very briefly on a couple of statements that were made today. I certainly echo the comments by the critic for the New Democratic Party on the statement by the Minister of Education on pooling. The very same person who as House leader, as has been pointed out, insisted the teacher pensions item was a top priority and had to be dealt with—he and the Treasurer (Mr R. F. Nixon) said this had to be done—now comes back and tells us there are over 100 amendments that necessitate withdrawing this bill that was so urgent. The members can appreciate why at House leaders' meetings we do not take these ministers too seriously from time to time.

I also want to comment briefly on the announcement on pooling. As has been pointed out as well, for low-income boards, for boards in northern Ontario in particular and the region of the province that I represent, the government's intention to move on pooling will do absolutely nothing for either one of the public or separate school boards and will severely take away from the public boards across this province.

I say to the minister, and to the Premier (Mr Peterson) as well, at a time when this government has had year-over-year increases in revenue of 10 per cent for five years in a row, at a time when this year alone the federal government transferred to him an increase of seven per cent—two per cent in excess of inflation—it is a sad day when we are trying to build a society to share opportunity that he squeezes education the way he is squeezing it in this bill. It will not do one single thing to help those boards that need it the most.

#### EDUCATION FINANCING

**Mrs Cunningham:** I also would like to talk to the statement on sharing of the local tax base through the pooling. This has been a very controversial change in funding by the Minister of Education. The one underlying fact that all school boards will be looking to be honoured is what the former Minister of Education stated, that no public school board will incur a net loss in revenue as a result of these changes.

The one thing we want to make sure of is that the Ministry of Education and the Treasury, whose estimates already show a \$20-million difference, will get their act together so that no public school board will lose because of this pooling of education tax dollars.

#### MEMBER'S PRIVILEGES

**Mr Pollock:** Mr Speaker, I believe my privileges as a member of the Legislative Assembly have been abused. I have it all documented here. I will ask one of the pages to forward it to you, and I hope you will look through it, refer it to a committee of this assembly and report back to the House. I will read one paragraph of this particular correspondence:

"There is a letter which appears in yesterday's edition of the Tweed News and the Marmora Herald which makes reference to a personal communication between myself and one of my constituents. A civil servant of the province, on the instruction of the Minister of Energy, has sent a copy of a personal letter addressed to me to several local newspapers. In that particular letter, they mention the name of a constituent, his place of business and refer to the fact that he had been in communication with my office."

I have instructed my staff at all my offices to deal with things in confidence, and I do not appreciate the Minister of Energy referring to this person's name or my name and circulating it around the province.

I wish you would look at this, Mr Speaker, and report back to the House.

**Hon Mr Ward:** Mr Speaker, I understand the matter is referred to you. I just want to point out, having been in conversation with the Minister of Energy (Mrs McLeod), that she has not been made aware of this situation but will look into it also.

**The Speaker:** I will look over the information. I will remind the honourable member, though, that when there is a member who feels that there has been a privilege breached, it would be very nice if you would inform the Speaker before bringing it before the House. That is the usual tradition.

1430

#### ORAL QUESTIONS

##### NATIVE LAND CLAIM

**Mr B. Rae:** I would like to address my first question to the Premier and I hope he will answer, since he has been written to by the chief

of the Teme-Augama Anishnabai band and he will appreciate the importance of the band knowing what the position of the government is as expressed by the Premier.

The Attorney General (Mr Scott) has told us that the construction on the Red Squirrel Road extension is being suspended temporarily. I wonder if the Premier can tell us what his attitude is about the application of the band for no more construction and no more clear-cutting until such time as the Supreme Court of Canada has rendered its decision.

**Hon Mr Peterson:** I think the Attorney General is more able to comment on these legal matters.

**The Speaker:** Referred to the Attorney General.

**Mr B. Rae:** I wonder if the Premier can tell us, is the member for St George-St David answering in his capacity as the Attorney General or is he answering in his capacity as the minister responsible for native affairs?

**The Speaker:** It was referred to the Attorney General.

**Hon Mr Scott:** I would like to thank the honourable member indirectly for the question and to observe that what has happened in this case, as the honourable member knows, is that the Anishnabai had made a claim some 15 years ago to essentially 4,000 square miles of the north in which approximately some 10,000 other people live.

The claim has been resisted in the courts and the claim was found unsuccessful after a very lengthy trial and found unsuccessful in the Ontario Court of Appeal. The Supreme Court of Canada, or three members of it sitting as a leave panel, decided that the argument should be advanced again in the Supreme Court of Canada and we, of course, understand that and are always prepared to submit to the process.

The circumstances at present are that the chief has let us know that he proposes to bring an application for an injunction. There is no law or requirement that the government should cease construction at this stage of the road, but we have decided that it is in the public interest to ensure that the process takes place in an orderly way and, as a result, we have made the determination that was in my statement today.

**Mr B. Rae:** The Attorney General has not answered my question. He will know that the legal battle which is now under way is under way because of an application by the government of Ontario to have certain cautions removed which

were placed on land by the band in anticipation of a negotiated land claim. The legal action that is under way is under way because the government of Ontario asked that the cautions be removed from title and the court is dealing now with the question of aboriginal title and the nature of that title.

I asked the Attorney General a question. I asked it to the Premier, not as a legal matter, which I am happy to get into if anybody wants to, but as a matter of fundamental policy in Ontario. The Premier has said that he is not interested in dealing with the question and he would rather the Attorney General take the responsibility for it. Therefore my question is this: Can the Attorney General tell us what the position of the government of Ontario will be, faced with the injunction application next Thursday?

**Hon Mr Scott:** As the honourable member knows, the dispute is a long one and some two weeks ago we had a request from the chief about what the position of the government of Ontario would be in the event that leave was granted. He was referring precisely to the offer of settlement that the government had made.

I just want to remind the honourable leader that some three years ago, indeed after the trial and after some 12 years of litigation, our government made the first proposal in the history of Ontario to ever settle a land claim with a proposal that was valued at something in the neighbourhood of \$30 million, which included \$15 million that could be taken in the form of land to be selected from crown lands by the Anishnabai.

Chief Gary Potts of the Anishnabai determined that he would not be prepared to meet until the court proceedings are concluded. Therefore, when the Ontario Court of Appeal proceedings were over, we made the offer again. That offer remains outstanding.

**Mr B. Rae:** You made a different offer.

**Hon Mr Scott:** Yes, modestly different because the first offer—

Interjection.

**Hon Mr Scott:** No, it was an offer for precise—

**The Speaker:** Thank you.

**Mr B. Rae:** You didn't make it. It wasn't the same offer.

**The Speaker:** Order. Final supplementary.

**Mr Wildman:** With respect, the Attorney General has not answered the question from my leader. The question was, what will be the position of the provincial government before the court in regard to the band's application for an

injunction to stop the road and any logging in the area until the Supreme Court of Canada makes a final decision with regard to the land claim that is before the Supreme Court of Canada? Will the Attorney General make clear now to this House, to the Teme-Augama Anishnabai and to the people of Ontario what will be the position of his government before the court?

**Hon Mr Scott:** I think it is very important for all of us to do everything we can to assure the Anishnabai and their chief that their interests are fully protected and advanced in the courts. What we have decided today and announced today is that while we are perhaps under no legal obligation to do so, it is appropriate in the circumstances to allow the matter to await the outcome of the courts. I want the honourable member to be absolutely certain that any other determinations that are made will be communicated to the Anishnabai and, of course, to the House.

#### HOSPITAL SERVICES

**Mr B. Rae:** I have a question to the Premier, which I can only assume he will have to answer since the Minister of Health (Mrs Caplan) is not here and he has no one else to whom he can slough off the question. It concerns the announcement that was made by his government last June with respect to emergency care. We have raised questions all week, and indeed last week, about the credibility of his government and indeed the Premier's credibility with regard to a so-called system which is in place.

The last few hours we have been in touch with all the hospitals listed by his Minister of Health in the announcement that she made on 22 June with regard to a so-called province-wide system and we have found on a consistent basis that the people who are responsible for this so-called system say that it does not exist at the present time.

Doctors, of course, are reluctant to give their names because they know what happens to those who put their heads above the parapet in the province of Ontario with the Premier and the Minister of Health taking such shots at them, but I can tell members that spokesmen at the Windsor Hotel Dieu of St Joseph Hospital say:

"We were promised a framework for how we could fit into a regional framework, but we have had nothing. It was a nice announcement in the papers but short on substance. We were designated a trauma centre in 1987 but nothing has happened in the ministry since then."



I can give and I will give example after example—

**The Speaker:** And the question?

**Mr B. Rae:** I would like to ask the Premier where his credibility is when his minister makes announcements, he makes a statement about what kind of a system is in place across the province and the people who are in the field are telling us consistently that the system does not exist.

**Hon Mr Peterson:** I cannot give the honourable member all the details of the particular system and the minister could, but I can say that that is in the process of being implemented, as she said. That is happening and it is quite clear to everyone else.

**Mr B. Rae:** His minister stood in this House on 22 June and announced that all kinds of money was going to be spent and that a system was going to be in place. Our staff spoke, for example, to a doctor at the Sudbury General Hospital who is responsible for that service in the hospital. It has been designated and he says: "There was no further contact since the premature announcement was made. No information in response to a request a few weeks ago."

Thunder Bay, McKellar General Hospital: "Nothing tangible yet. We are waiting for development of policy by the ministry. We have been a trauma centre for eight years."

Ottawa General Hospital, "No movement at a working level."

Quote from the doctor: "You are asking people in the trenches what the generals are thinking. We don't know what they're thinking."

**1440**

I would like to ask the general and chief of this system how he can get up here and tell people there is a system in place and that the doctors and others are responsible for not using a system which is in place, when people who are in the trenches every day trying to save the lives of critically ill people say that in fact the system is not even established at this point.

**Hon Mr Peterson:** I have listened to the Minister of Health, as has the member, and I think she has told him of the plans for the critical care committee and the implementation that is going on and the process. As I understand it, a number of those things on a regional basis will be in place by the end of the year. There is no secret about that. I think he knows that.

**Mr B. Rae:** The Premier was not talking about promises when he was up on his feet last week. When he was responding to the immediate crisis

in this House and trying to bail out of that crisis, as we have seen him do on so many other occasions, searching desperately from some scapegoat somewhere whom he could hold responsible for his failures and the failures of his government, he did not get up and say, "Nothing's in place yet, but don't worry, it's going to come in December." No, no. He said, "Dr Nesdoly didn't use the system which was in place." That is what he said.

I want to ask the Premier this question again. Just where is his credibility on this matter when in fact it is perfectly clear the system he said was in place does not exist yet?

**The Speaker:** The question has been asked once again.

**Hon Mr Peterson:** My friend continues on this line about credibility and he stands here in this House pretending he takes the high road all the time and everyone else who discusses him is taking the low road, even though he has kept after this day after day after day, or he has tried to, without success. He should know that by now.

I have quoted in this House a letter from Mr Stoughton that gave a number and said there were critical care beds available in this city. There were some who were alleging—probably the member—there were no critical care beds available and they were there. Obviously, there is an investigation, there is an inquest to look into why that particular number. It was there from Mr Stoughton to tell everyone else. The minister said at the same time that they are working on the critical care situation across the province. There is nothing magic or even complicated about the situation.

#### MINISTER'S INTEREST IN COMPANY

**Mr Brandt:** The Premier will be aware of media reports which indicate that the Minister of Health has a personal financial interest in a company which does extensive business with the province of Ontario. For the past two years Extendicare, which is the company that the Minister of Health has an interest in, has in fact had an ongoing relationship with the government. There has been some response in the paper with respect to actions taken by the minister, but I wonder if the Premier could indicate when he became aware of the situation and what particular steps he may have taken as a result of this potential conflict that has arisen?

**Hon Mr Peterson:** I heard about it some time ago. I cannot give the member the particular date, I am sorry, but as I understand it, everything has been turned over to the Conflict of

Interest Commissioner. If the member has any problems with it, I would invite him to file a complaint, as he has a right under the legislation, with the Conflict of Interest Commissioner and get his advice on this matter. My understanding is that he has pronounced judgement on this and can give the member any advice he wants on the matter. That is why he is there.

**Mr Brandt:** I want the Premier to be assured I am not making any accusations. These are media reports. What I want the Premier to do is be aware—

**Hon Mr Scott:** You're making a media report, are you?

**Mr Brandt:** If the Attorney General would like to ask questions, he can come over to this side of the House.

Interjections.

**The Speaker:** Order. This might be the appropriate time to ask all members to direct their comments through the chair.

**Mr Brandt:** My supplementary to the Premier, sir, is with respect to the same matter, of course. I want the Premier to be aware that Extendicare operates a number of nursing homes, as well as the chronic care wing of the Queensway General Hospital, just to name a few of its interests. In fact, according to a description of the company that appeared in the Financial Post, about 50 per cent of the total business that it does apparently is with the province of Ontario.

I wonder, to ensure that there are no questions, and I appreciate what the Premier says with respect to the filing with the conflict commissioner, will the Premier ask the minister to table with this House any relevant documentation or material pertaining to this specific case so that there will be no suggestion or any innuendoes with respect to conflict?

**Hon Mr Peterson:** The only innuendo is coming from the member. He is entitled to do this. He stands up and pretends he is not making innuendo and he is only trying to get to the bottom of the matter when it has already been pronounced upon by the Conflict of Interest Commissioner. Let's be very intellectually honest about this at least. But I appreciate the member bringing to the attention of the House this matter which, as I said, has been around for some time.

What the member should do—we passed a law in this House and we have an independent Conflict of Interest Commissioner who does not deal in innuendo, who deals in facts and pronounces judgement. As I understand it, the

member supported that. Now what I would recommend he does, to satisfy himself, because I know he has a curious and engaging mind, is to file a complaint with the Conflict of Interest Commissioner, to ask him to give the member his judgement on all the relevant documentation. I am sure he would be happy to accommodate the member.

**Mr Brandt:** I would ask through you, Mr Speaker, to the Premier, that the Premier be intellectually consistent with respect to his approach to these matters. I would bring to his attention that just a few days ago the Minister of Correctional Services (Mr Patten) had what he believed was a perceived conflict, brought it to the Premier's attention and brought it to the attention of the public through the media. The matter died as of that point, frankly because he came clean right away with the problem and revealed at that particular time any documentation or details pertaining to a perceived conflict.

Why will the Premier not be consistent and do the same thing when a minister has had two years of ownership in a company that does business with the province when in fact he followed another course of action with regard to another ministry?

**Hon Mr Peterson:** Surely my honourable friend understands the difference of these two situations.

**Mr Brandt:** Oh sure, there is always a difference with you.

**Hon Mr Peterson:** We have to assume a reasonable level of understanding of the facts and the knowledge. The member has said, standing up in the House, that he is only reading a newspaper, he does not really understand it and he does not want to engage in innuendo even though he does, but that is okay.

When we deal with a situation with respect to financial holdings, his, mine and everyone else's are dealt with by the commissioner of conflicts. That is why he is there. He passes independent judgement upon this matter. There are no secrets about this matter. The member should file a complaint with him.

**Mr Sterling:** Based on phoney rules. Based on a phoney act.

**Hon Mr Peterson:** My friend thinks it is a phoney act. I thought he supported it. Maybe he did not.

**Mr Sterling:** It is a phoney act. That is why we voted against it. That's how much you know about it.

**The Speaker:** Order.

**Hon Mr Peterson:** We think it is one of the most progressive acts anywhere on this matter. We have a system in place to deal with that. When we dealt with the situation from the Minister of Correctional Services, it was not a similar situation at all. It was appearing at a tribunal, which I say to the member technically was not a violation of the guidelines.

It has nothing to do with the conflict-of-interest act, but a particular set of guidelines known as the Davis guidelines. But because one could make the allegation that there it violated the spirit of that, all the facts were made clear for everybody to deal with. That is the situation. We have mechanisms there in place to deal with it, and I think most people understand it.

#### LOAN TO TENANTS' GROUP

**Mr Harris:** With the permission of the Attorney General (Mr Scott), I would like to ask a question to the Minister of Housing. I understand that his ministry has agreed to loan \$60 million to a group of tenants to purchase their own buildings near Carlton and Church streets. I understand this money will come from the \$3-billion budget of the Homes Now program announced in the 1988 budget of the Treasurer. On page 6 of the Treasurer's budget statement, he said "over the next three to five years, this initiative"—Homes Now—"will add 30,000 non-profit rental units to the existing stock."

I wonder if the minister can explain to me how yesterday's \$60 million transaction will add one single new rental unit in the extremely tight city of the Toronto rental market. I would have thought, given the Treasurer's statement, that to meet the program criteria that the \$60 million—

**The Speaker:** Order. The member has placed his question.

1450

**Hon Mr Sweeney:** The Homes Now announcement made it reasonably clear that there were three different ways in which nonprofit shelter would be brought on to the market. One, and by far the most numerous, would be the creation and the building of new stock, and of the approximately 30,000 units I believe the last figure I saw was that about 23,000 or 24,000 would be brand-new buildings brought on the market.

Of the other two options that were available under that program, the second to acquire existing stock from the private market and make it nonprofit. The third one was to subsidize people who are in existing private buildings.

Those latter two will amount, under the existing numbers, to something like maybe 2,000 or 3,000 units. There is still another 2,000 or 3,000 units that have not been allocated at the present time.

In this particular case, we had a combination of three nonprofit organizations in Metro that came to us and said these three buildings were available through the receiver—I understand they were part of the former Greymac package and consist of approximately 700 plus units—three buildings near Maple Leaf Gardens in the core of downtown Toronto that would be able to be part of the total supply of nonprofit units, that would remain more affordable and that would be a worthwhile project for us to be involved in, and we agreed.

**Mr Harris:** I would suggest the minister has not added a unit.

Tenant spokesmen commenting on this \$60-million announcement in this morning's paper said that this deal will protect the tenants from higher rental increases that would otherwise result from the Liberal rent review system. The tenant spokesmen argue that they would prefer to pay nine per cent increases in each year for the next five years under this deal than risk the increases that might come from the minister's rent review system.

I would ask the minister, if his government is now helping tenants to buy their own buildings to protect them from his rent review system, is he not admitting that his system is not working, that it is not protecting tenants and that he now has to use tax dollars to protect people from his own rent review legislation?

**Hon Mr Sweeney:** Not surprisingly, I would not agree with the comments of my honourable friend. As a matter of fact, what the group of tenants in this situation are discovering is the various factors that go into arriving at a rent.

They have admitted themselves that although the province's maximum rent without going to rent review for the last couple of years has been less than five per cent, in order to manage this building by themselves, they are going to have to pay a rent increase in the neighbourhood of nine or 10 per cent. That kind of firsthand economic awareness for a group of tenants is a worthwhile experience.

I would point out to the honourable member that less than 30 per cent of the over one million units across the province go to rent review, that some 70 per cent in fact adhere to the minimum guidelines. As the member knows as well as I do, those that do go to rent review end up with an



average of about 11 per cent. I would say that this particular group of tenants is facing a very realistic situation and it is not an indication at all that the rent review system in this province is not working.

**Mr Harris:** I appreciate the minister's interpretation. Let me recap. This government has given a \$60-million loan to a group of tenants to buy an existing building from a fund that was designed and quoted to create new housing stock. This minister is helping tenants buy their own building to protect them, as they say, from the ministry's own rent review system.

I would like to ask the minister this: In 1986, when the Ontario Tenant Action Coalition wanted to buy its own buildings in High Park, in Bretton Place and in Cedar Grove, with its own money I might add, this government slammed the door shut. I ask the minister, how can he justify today using \$60 million of taxpayers' money for the people at Carlton and Church when the government denied, just three years ago, this very same opportunity for the tenants of Cedar Grove, Bretton Place and High Park to do the very same thing with all their own money?

**Hon Mr Sweeney:** Again, I think my honourable friend would appreciate that the situations are a little different. In the case he originally raised with me, we are talking about a group of tenants who through the assistance of the provincial government are going to be able to keep three buildings as rental buildings. The other situation he describes was a request to convert rental accommodation into ownership accommodation. Given the very, very tight rental market in this Metro area, the decision of this government was not to permit that.

**Mr Harris:** So what are you doing now? This is ownership. "Tenants to Buy Buildings."

**Hon Mr Sweeney:** No, private rental to nonprofit rental. It will still be rental; it is not ownership. The group as a whole owns the building, but they are still rental components. In the other case, we are going from rental to ownership. It is a very different situation.

I might also say to my honourable friend while I am on my feet that Ontario is one of the few provinces in Canada in terms of its nonprofit program. In fact, it is using the majority of its money to build new units. In all other jurisdictions, particularly our sister province, Quebec, to the east of us, the majority of the nonprofit units are simply subsidized from existing landlords.

**The Speaker:** Thank you.

**Hon Mr Sweeney:** The honourable member knows that we just do not have the capacity to do that.

**The Speaker:** That seems like a fairly complete answer.

**Mr Harris:** How about a supplementary? It was not very complete, Mr Speaker.

**Mr Speaker:** I beg your pardon.

**Mr Harris:** Is there consent to have another supplementary? I do not think it was complete.

**The Speaker:** Perhaps the member for Nipissing might discuss that with the House leaders and change the rules.

#### HOME CARE

**Mr Allen:** I have a question to the Premier with regard to the homemaker program, which he of course glowingly described for this province during the last election. The government is now distributing some moneys to homemaker agencies in order to assist them to reach the magnificent wage of \$7 for their homemakers. The Premier is probably aware that benefit deductions, travel costs and the new employers health tax levy all have to come out of that, so significantly less than \$7 is going to find its way into the pockets of the homemakers, but the Premier's interministerial committee in 1987 recommended, as a basic minimum response for the survival of that system, \$7 in 1987 dollars plus 20 per cent for benefits.

Why would the Premier not give the homemakers some of the best news they have had in years of uncertainty, honour the basic minimum of his interministerial report and give them a decent wage break?

**Hon Mr Peterson:** I think the highly esteemed minister could help my friend out with that.

**Hon Mr Beer:** I would say to my honourable friend that as announced last spring by my predecessor a fund was set aside to raise the salaries of a number of different groups, including the homemakers. There have been ongoing discussions and consultation as to the best way to distribute those moneys and particularly to address wage issues as they affect homemakers. We are in the process of completing that review. I hope to be making an announcement very shortly.

I believe we will be able to make a real impact on the whole area of adjustment for homemakers. We certainly agree with the honourable member that this is a critical and important element of our long-term care strategy, which we are also working on. At this time particularly—it is

homemakers week—we want to focus on the kinds of problems they have had. I believe we will do so.

**Mr Allen:** We have been treated to a remarkable charade over the last two years with respect to homemaker services in this province. There was a specific plan that the Premier had in 1987 with respect to this program. There were to be 20 new regions of integrated homemaking established in the province. Since then, we have seen capping, restraint, studies and near bankruptcy in the system. We have seen anxious homemakers uncertain whether they would be able to hang on in the job and we have seen clients who are terribly distressed. We had a Price Waterhouse study last spring with no recommendations whatever. Now we have a smoke and mirrors show going around the province called “long-term care,” which nobody has any precise information about.

Would the minister please tell us, is the integrated homemakers program still alive somewhere? What is the name of this movie—

**The Speaker:** Thank you.

**Mr Allen:** —that we are supposed to be guessing the name of in this charade? Nobody knows.

**Mr Speaker:** I believe the question was asked.

**1500**

**Hon Mr Beer:** I think there are some real changes that are going to be forthcoming that are going to address this, specifically the commitment that was made around salaries and benefits. We have addressed that. We have also said that will be retroactive to 1 September and that will be announced before too long. We have also said that in the review of long-term care we are looking at exactly where we want the integrated homemaker plan to go and indeed to address a much broader range of issues.

We are going to be speaking very specifically to a number of issues on that during this session this fall. I believe there is a commitment here where we understand that the homemakers play an extremely important and critical role in long-term care, and we are going to begin by recognizing that in very specific and real terms with changes to salaries shortly.

#### HEALTH CARE FINANCING

**Mr Brandt:** I have a question to the Premier. In the last spring budget the Premier indicated that OHIP premiums would be eliminated as of January 1990. I would like to bring to his

attention a letter that was sent to a Brampton woman, which I would be happy to share with him, signed by the Minister of Health (Mrs Caplan) on Ministry of Health stationery, indicating that this lady is to pay \$89.25 for the OHIP premium, which is to cover January, February and March. Can the Premier explain the apparent contradiction when the premiums are to be discontinued as of the first of the year, and yet this particular taxpayer, as well as many others, are being asked to pay for the first three months of 1990.

**Hon Mr Peterson:** The Treasurer has explained this to my honourable friend before and would be happy to do it again.

**Hon R. F. Nixon:** I am glad to have the opportunity to have another go at the honourable member and his correspondence. Actually, the member will know that the budget announced that the insurance concept of providing medicare will come to an end, if the House approves, on 31 December of this year, so there will be no premiums and there will be no coverage. We will then go into the concept of medicare that was recommended by the original proponent of medicare, the Honourable Mr Justice Emmett Hall, who recommended strongly that it be universal and free of premiums.

It will be without premiums and at that time it will be supported on the broad tax base of the province with about 38 per cent contribution from the government of Canada, in spite of the fact, of course, that its promise was to pay 50 per cent. The member may want to talk about that at some other time.

I think that my best information to give to the honourable member is that from the standpoint of the Treasury, there is absolutely no duplication of payment. In fact, if the correspondent with the member feels she in this instance is covered for next March, she will be aware that beginning 1 January no further premiums will ever be paid in support of her insurance, her family's or anyone else's. There will no longer be insurance, but there will be universal coverage.

If you will permit me, Mr Speaker, one further comment, as far as the consolidated revenue fund is concerned, the amount coming in month by month remains precisely the same with the addition of three per cent that is part of the budgetary plan for the financing of medicare.

**Mr Brandt:** That response, frankly, is totally inconsistent with the copy of the letter I received from the Ministry of Health. It says, “As announced in the 1989 Ontario budget, OHIP

premium payments will be eliminated effective January 1, 1990."

Now, effective that same date, the Treasurer is going to introduce the payroll tax in order to pay for OHIP, or that difference, which is about \$1.8 billion and for which he is going to raise about \$2.1 billion. There is no way he can get around the reality that there is a double collection going on here for the first three months of 1990. The Treasurer is asking people to pay their OHIP premium plus he is demanding that employers introduce a payroll tax. He is collecting from that system, by our estimate, something in the order of \$300 million and it could be considerably higher than that.

How can the Treasurer possibly say that he is not collecting a double charge for OHIP premiums?

**Hon R. F. Nixon:** Because we count the dollars, and they are not doubled. I can assure the honourable member that the cash flow coming originally from the insurance premiums that end at the end of December and the tax that begins 1 January will be identical except for the three per cent increase that is associated with moving the support from 13 per cent, which is where we are now, to approximately 16 per cent, where we will be next year.

I think the honourable member should also be aware that the constituents who write to him and who write to all of us will never again have to make a premium payment. For those people who pay their own, which includes no one in these blue seats, it will mean a saving of \$714 a year. For those of us whose generous employer, the taxpayers, have in the past paid our premiums, we will not have to report that as a taxable benefit on our income tax returns later on and we will make a saving there.

I simply draw to the attention of the honourable member that in Ontario in 1990 there will be an overall saving of just over \$900 million which will remain in the pockets of the taxpayers and the residents of this province, and the ones who write me have expressed their gratitude for that particular innovation.

#### DRUG ABUSE

**Mr Ruprecht:** I have a question for the minister responsible for the provincial anti-drug strategy. The illicit drug trade in Ontario seriously disrupts and even destroys the lives of many of our young people. The parents and teachers who attended the Parkdale anti-drug rally would like to know just when the recommendations the minister proposed in his 1988

report are going to be implemented. Specifically, when will he implement his recommendation that talks specifically about the provincial co-ordinating body, which will establish a visible leadership in the fight against drugs?

**Hon Mr Black:** In the report that was presented in this House last October, there were 29 recommendations. I can tell the members of the House that approximately 15 of those 29 are at some stage of being implemented at the present time. I can also say that the organization of the co-ordinating body is well under way and we will have a secretariat in place in a matter of a few days.

At the same time, co-ordination is being provided at three other levels. We have a working group that has been meeting since last May which includes representatives of eight different ministries on it. The deputy ministers from those eight ministries have been meeting for the past month and the ministers' co-ordinating committee is also meeting.

**Mr Ruprecht:** I am certainly delighted to hear this.

My supplementary question is concerned with another recommendation of real merit. It deals with the prevention and treatment of those afflicted by drug addiction. What is the status of the recommendation, "That the Ministry of Health, through local district health councils... develop a long-term plan to ensure the availability of a full range of comprehensive intervention, counselling, and treatment programs accessible to all residents of Ontario"?

**Hon Mr Black:** I am pleased to tell the member that last spring the Minister of Health (Mrs Caplan) wrote a letter to all district health councils and asked them to begin the process of looking at intervention, counselling and treatment programs in their respective jurisdictions. The intent of that review was to try and identify the current programs that are in place, to identify needs that need to be met in the future and to develop some long-term plans to meet those needs.

My conversations with district health councils would indicate that this process is ongoing at this time. We are looking forward to their reports being received by the Ministry of Health.

#### OCCUPATIONAL HEALTH AND SAFETY

**Miss Martel:** I have a question to the Minister of Labour. The question concerns the Robson Lang Leather tannery in Barrie and the associated tanneries in Oshawa, Cobourg and Kitchener.



Yesterday afternoon, my staff had a discussion with Dr Jim Stopps of the health studies services of the ministry to determine the exact scope of the investigation that is going on now of the tanneries. We were disturbed to discover that the scope is in fact quite limited and that the focus is to determine the cause of death of ex-employees. The whole matter of tracking ex-employees who have not died to determine whether or not they too in fact have industrial diseases arising out of the tannery is not included.

I would like to ask the minister why the scope of this investigation has been limited in this way.

**1510**

**Hon Mr Phillips:** I assume that because we are asking for all the names of ex-employees and for them to be part of the study, the study must include both deceased ex-employees and living ex-employees, so I make the assumption that the study will include both groups.

**Miss Martel:** There seems to be a bit of a problem in the communication of what is actually happening. Dr Stopps told our office that it was not an investigation but in fact a feasibility study. They have requested a record of tannery workers. Once this employee list has been compiled, a mortality search will be done and this will determine the cause of death of ex-employees. If the study progresses to the stage where consent forms would be required to look at industrial disease, this would be done, but in fact at this point this is not contemplated within the scope of the current study.

I ask the minister again why the scope of this investigation is being limited, in particular because the Kitchener plant is still in operation and in fact there could be many people in that plant working with similar dyes and chemicals who could in fact develop industrial disease, if they have not yet.

**Hon Mr Phillips:** I make the assumption that the study will include both living and deceased employees and that the study will include that so that we will be assembling the names of ex-employees and ensuring that we look on a broader basis than just those that, unfortunately, have passed away.

#### ZEBRA MUSSELS

**Mr Pollock:** I have a question for the Minister of Natural Resources. I am sure that she is aware of the zebra mussels condition in Lake St Clair and also Lake Erie. People who are studying this situation estimate that they will be in Lake Ontario in 1990.

Would the minister meet with the mayors of Trenton and Belleville, the wardens of Hastings and Peterborough county, Rick Morgan from the Ontario Federation of Hunters and Anglers and myself to discuss the zebra mussels and what, if anything, could be done about them?

**Hon Mrs McLeod:** Certainly I would be quite prepared to meet with the member and people who would be concerned about the issue and as well to have people from the Ministry of Natural Resources who would be involved in the management be part of such a meeting so we can ensure that the problem is going to be dealt with very actively.

**Mr Pollock:** When the minister's staff meets and she and her staff meet with these people who I mentioned, would they survey what could be done in as far as protecting the Bay of Quinte and the Trent-Severn waterway is concerned, and bring any information that they have on how we can stop the zebra mussels, if we can do anything, and estimates of what damage they might do to the Trent-Severn waterway and the Bay of Quinte?

**Hon Mrs McLeod:** I think the honourable member, in his question, identifies the number of issues that would have to be recognized and that would certainly be the point of a meeting—to determine just exactly what the nature of the problem is, what the concern will be and what could be done about it.

#### BUILDING CODE VIOLATIONS

**Mr Mahoney:** My question is to the Minister of Housing. As he is aware, I represent a riding in the city of Mississauga where over the last number of years we have been experiencing—

**Mr Wildman:** Oh, oh.

**Mr Mahoney:** Thanks, Bud, I'll invite you out there some time.

We have been experiencing a very substantial building boom. We are now finding that many of the builders who are working out there are proceeding without building permits or even foundation permits. It is creating a serious problem both for the residents and the municipality.

In a corporate report from the city solicitor Bruce Thom dated 5 July, he points out that during the period of 1 April 1989 to 30 June 1989, the number of convictions for builders contravening the Ontario Building Code was 78, and yet the total amount of fines for all of those violations was only \$10,700. Today, when homes can range up to \$1 million, the maximum

penalty that can be given to a corporation is \$10,000; and to an individual, \$2,000. Even with this set maximum, the courts often decide on lesser fines, and as such the builders feel free to proceed without a building permit or any fear.

My question is, can the minister advise this House on what a municipality can do to deter builders from proceeding without building or foundation permits once the courts have decided on a minimal fine?

**Hon Mr Sweeney:** My honourable colleague is correct that the building activity in certain places in the province, and certainly in Mississauga, could lead to the very activity that he described. At the present time, under the existing code, which has been in place now about 15 years, the only recourse that a municipality has is to issue a stop work order and/or, if the builder refuses to heed to that, he can be taken back to court again. That is not very much at the present time and because of that the code is currently under review.

**Mr Mahoney:** I wonder if in that review the minister could tell this House if he would be prepared to look at the level of the fines in the Ontario Building Code, and whether or not they are appropriate today given the value of the construction and the amount of the deterrent?

**Hon Mr Sweeney:** I can tell the honourable member that there are approximately 38 amendments already prepared with respect to the code and one of them deals with the fines. The proposal is that for an individual the fine for the first offence would go to \$25,000 and for a second and subsequent offence to \$50,000. For a corporation the fine for the first offence would be \$50,000 and up to \$100,000 for subsequent offences. So those are very significant.

I can add to my honourable colleague that the other activity the ministry is engaging in is to streamline the whole approvals process and therefore speed up the building permit process, as well. We are hoping that working in conjunction with our municipalities we may be of some assistance to get those permits out a little bit more quickly. But there will be very substantial fines when the code is amended and I am hoping to move forward with it fairly quickly to assist the municipalities that are doing the best they can under the existing legislation.

#### FOREST SPRAYING PROGRAM

**Mr Wildman:** I have a question to the Minister of Natural Resources. The minister will know that the spraying of Ontario's forests with insecticides is an issue of great concern to the

people across the province and that the member for Niagara Falls (Mr Kerrio), her immediate predecessor as Minister of Natural Resources, had committed the ministry since 1985 to a policy of spraying the biological insecticide Bt, and only Bt. Can the minister now reaffirm that position of her predecessor, as we look forward to the ministry's spray program for 1990 and beyond?

**Hon Mrs McLeod:** I can certainly reaffirm that continues to be the position of the ministry and the government. Obviously we are looking at the results of the Bt spraying program to determine its effectiveness. We have some concerns about indications of renewed outbreak of spruce budworm in certain areas of the province, but I think, as the honourable member knows, it does take a period of some years for the Bt spray program to be fully effective. We are extremely concerned about the health of the forest, we are continuing to monitor it, but spraying with Bt only continues to be our policy.

**Mrs Grier:** When I raised this question with the previous Minister of Natural Resources I asked if any studies and the results of any monitoring program would be made available. We have not had those made available to us as members of this House and I wonder if the minister would agree to table or make public whatever studies have been done and the results of those studies, so we could perhaps lay to rest once and for all the controversy about this program.

**Hon Mrs McLeod:** I hope my earlier answer did not imply that there had been a formal study done and completed. The studying that I referred to, the monitoring, consists of the ongoing monitoring that we are doing through our forest resources group, in concern about the health of the forests generally. The Bt program does require a period of years for it to be effective and it requires optimal weather conditions in order for it to be effective. I think that as we have information that would be indicative of the effectiveness of the Bt program, I would certainly be most happy to share that on an ongoing basis with members of the opposition party.

#### CONSERVATION AUTHORITY POLICY

**Mr Villeneuve:** Also to the Minister of Natural Resources: A young couple in my riding has had the misfortune to lose their home to fire recently. When they applied to the municipality for a building permit they were advised that because the house would be in a designated flood

plain—and it is at the very same place as the one that burned—the building permit was refused by the conservation authority. The refusal was appealed and the judge ruled in favour of my constituents and also allowed them costs. The conservation authority lawyer states the following: “We reserve the right, however, to take appropriate action following the High Court decision.” The judge’s ruling was appealed. Is it a normal procedure for conservation authorities and for his ministry to appeal against individuals once a judge has decided?

**1520**

**Hon Mrs McLeod:** I would be hesitant to comment on a very specific case, which clearly involves some legal proceedings, without having the details of that case. It certainly is normal procedure for conservation authorities to be concerned about protection of areas that are on floodplains, but within that general context I would want to be able to investigate the specific case to respond more directly to the member’s question.

**Mr Villeneuve:** This young couple had fire insurance coverage, of course, and it has a rebuilding clause. Neither the conservation authority nor the ministry have said that they would compensate. Right now, they are sitting in the middle of nowhere with winter coming on. They cannot build a house on the lot they have, a lot, I emphasize, where there was a house before. Certainly when rebuilding a house, if indeed it is in a floodplain, they could try to reinforce foundations or use special special measures. Could the minister provide some assistance, some guidance to these people so they would at least know what is happening pending an appeal or maybe it could drop the appeal?

**Hon Mrs McLeod:** I think the honourable member would realize that I would not be able to comment and intervene in a case which may in fact be before the courts from the member’s description of it to me today. If there are underlying and future policy issues which the member would like me to review with further information, I could do that, but I could not intervene in a court proceeding.

#### EMPLOYMENT EQUITY

**Mrs Fawcett:** My question is for the Minister without Portfolio responsible for disabled persons. In my riding I have a blind constituent who would like to pursue a career in the Ontario public service. She is educated, articulate and eager. She is also frustrated. In order to apply for a position, she must first be able to access the

employment listings as advertised in government publications and newspapers. As the minister knows, this means that she needs to find someone willing to spend the time reading aloud, word for word, the classifieds. Can the minister inform the House what her ministry is doing to allow bright, young individuals, like my constituent, who wish to contribute to the life of this province, access to government job listings?

**Hon Ms Collins:** People with communications-related disabilities often find it difficult to communicate with ministries and agencies. In October 1987, my office began sending audio cassette recordings, along with any correspondence, to people we knew to be print-handicapped. In February 1989, Management Board issued a policy directive, which stated that every ministry and agency must make every reasonable request to comply with requests from print-handicapped persons for access to government publications. Access can take a number of forms, including audiotape, large print, Braille and the services of a reader. I can tell the member that this has helped to open up the public process to disabled people.

To address her specific question, in February 1988, the issue of making Ontario public service job advertisements accessible to print-handicapped persons was referred to the Human Resources Secretariat to be included in the Ontario public service employment equity initiative and this action resulted in job advertisements in Topical and Job Mart being made available on tape via phone-in connection after business hours.

**Mrs Fawcett:** In 1987, the Chairman of Management Board announced that the Human Resources Secretariat would study the issue of employment equity in the Ontario public service, but that was two years ago. There are disabled people in this province who are ready, willing and able to contribute meaningfully to Ontario by working within the public service. Can the minister inform the House what she is doing to hasten this long-awaited and necessary policy?

**Hon Ms Collins:** Well, again, the member raises an extremely important issue which is a priority with this government. Fair and equitable employment opportunities for everyone in our society is one of those principles we can all agree on.

As the honourable member points out, we have already announced an employment equity policy for the Ontario public service and we have been moving forward in the development of an implementation strategy for the policy. Towards



this end the Human Resources Secretariat has undertaken a number of initiatives, including the completion of a survey of the Ontario public service, to develop a workplace profile. I expect that the data collected through the survey will be made available in the near future and that numerical employment equity goals and time-tables will be announced.

The Human Resources Secretariat is also revising the Ontario public service corporate staffing policy in areas such as bias-free testing and selection criteria to reflect employment equity principles. I can assure the member this government is living up to its commitment to employment equity in the public service.

#### FOOD AT CORRECTIONAL FACILITIES

**Mr Farnan:** My question is to the Minister of Correctional Services. When the parliamentary committee travelled to Penetanguishene, food was ordered in for the committee. When the minister visited the Guelph institute recently, food was ordered in for the minister. In the light of the fact that the ministry has put so much stock on its kitchens and the training of cooks within that program, why has food been ordered in for the minister's visit?

**Hon Mr Patten:** I do not know where the member got his information. I have not visited Penetanguishene so I do not know what happened there. In terms of my visits to Guelph, yes I did, and we had a meeting with some of the senior staff and some probation officers. I am not sure where the food came from. I suspect it was probably made in the institution itself.

**Mr Farnan:** Nurses at Guelph have monitored the kitchen and have registered concerns. Correctional officers have passed on concerns to the deputy superintendent and the shift supervisors, Mr Graydon and Mr Grottenhaler. These concerns include: "maggot in the chili," "rat faeces on bread" and "stone in food."

Would there be any relationship to this and the minister's ordering in food? Secondly, a medical inspection was made of this institution just a week ago. Will the minister table the results of this inspection in the House and will he carry out a full inspection of a situation that is certainly untenable, both for the inmates and for the correctional officers of Guelph institute?

**Hon Mr Patten:** I appreciate the information that the member for Cambridge has passed on. I would assure him that the food arrangements and the sanitation arrangements are of the strictest possible order. The diets are, in fact, standard across the system in Ontario. The Canada food

plan is the basis of the meals for the inmates and, indeed, the staff because usually the staff have meals at these institutions as well. I am led to believe that they are of the highest quality.

The member can appreciate that we receive complaints quite readily if the food is not up to standard and I am assured that, in fact, it is a fairly high standard throughout the organization. However, in this particular instance, if the member has some information that suggests that some inspection had been done by some medical authorities, health authorities, then please share it with me and I will be happy to look into it.

#### CONSERVATION AUTHORITIES

**Mr Sterling:** Quite frankly, I smell a rat in that last answer there. Anyway, I have a question for the Minister of Natural Resources. The minister has now had the Bugar report for some two years, and in that report, as the minister knows, one of the major recommendations dealt with the merging of conservation authorities in our province.

Many conservation authorities are having difficulty in making plans for their future because the minister and her government are failing to respond to that report. Is the minister, or is she not, going to require the amalgamation of conservation authorities in our province?

1530

**Hon Mrs McLeod:** I think the honourable member is well aware that that report has been receiving a great deal of attention; that, in fact, the former parliamentary assistant in the Ministry of Natural Resources has done a great deal of work across the province with the conservation authorities consulting with them and determining the best direction to go.

I currently am reviewing the work that the former parliamentary assistant did. As a new minister, I want to just have some further consultation with both the conservation authorities and the municipalities. Once I have had that consultation, we will bring recommendations forward. It will be done as quickly as it is possible to satisfy myself that there has been full consultation.

**Mr Sterling:** I want to ask the minister whether, in dealing with the Mississippi Valley Conservation Authority, where it has presently lost its general manager—it is in a quandary as to what steps it must take next. They cannot wait around, quite frankly, for the minister to hesitate on this decision for much longer. Therefore, in a responsible reaction to the Bugar report, they are saying, "We are not going to make a

permanent designation of a general manager until we hear what the ministry is going to do to our conservation authority."

I would ask the minister, will she give direction to the Mississippi Valley Conservation Authority so that it can in fact properly run its conservation authority in the future? We want to know, and it is very important. The minister has had this report for some two years; it is time for a decision.

**Hon Mrs McLeod:** I think that even prior to our determination in terms of the response to the Burgar report, there was and will continue to be a great deal of work between the ministry and the conservation authorities and that there will be an emphasis on continued co-operative work between conservation authorities. If there is a period of uncertainty at the present time, I am sure the ministry would be happy to work with that particular conservation authority to provide whatever assistance it can in the interim.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

Mr Ward moved that Mr MacDonald and Mrs E. J. Smith exchange places in the order of precedence for private members' public business.

Motion agreed to.

### WITHDRAWAL OF BILL 41

Mr Ward moved that the order for second reading of Bill 41, An Act to revise the Teachers' Superannuation Act, 1983 and to make related amendments to the Teaching Profession Act, be discharged and the bill be withdrawn.

Interjections.

**The Speaker:** There seem to be quite a few comments. Members must have listened well to the motion.

Motion agreed to.

## PETITION

### COMMUNITY COLLEGE TEACHERS' LABOUR DISPUTE

**Mr Harris:** I am very pleased today to have the opportunity to present a petition that does not please me at all, on subject matter that does not please me at all.

It is to the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We, the undersigned students, are unanimously in favour of an immediate settlement to

the dispute between the Ontario Public Service Employees Union and the Ontario Council of Regents for the Colleges of Applied Arts and Technology. We feel this immediate settlement would avert any such action as that taken by Laurentian University students."

It is signed by 160 students, all attending—or at least formerly attending, until this government's mishandling of the whole affair—the Canadore community college in North Bay. I have affixed my signature thereto.

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr Epp from the standing committee on the Legislative Assembly presented the committee's report on confidentiality provisions and moved the adoption of its recommendations.

**Mr Epp:** In 1987, this Legislature passed the Freedom of Information and Protection of Privacy Act. That came about because various statutes in this province have confidentiality provisions. That is the way the various things in the province were protected, and still are.

As a result of that act, the standing committee on the Legislative Assembly was charged with looking at approximately 130 statutes and seeing which amendments should be recommended to this assembly.

The subcommittee of the Legislative Assembly committee met early in September, worked with a number of people from Management Board of Cabinet, consulted with members of other ministries, and as a result of that, we then made a report to the full committee. That committee's report has been tabled by me today.

On motion by Mr Epp, the debate was adjourned.

## INTRODUCTION OF BILLS

### EDUCATION STATUTE LAW AMENDMENT ACT, 1989

Mr Conway moved first reading of Bill 64, An Act to amend the Education Act and Certain Other Acts relating to Education Assessment.

Motion agreed to.

### OTTAWA-CARLETON FRENCH-LANGUAGE SCHOOL BOARD AMENDMENT ACT, 1989

### LOI DE 1989 MODIFIANT LA LOI SUR LE CONSEIL SCOLAIRE DE LANGUE FRANÇAISE D'OTTAWA-CARLETON

Mr Conway moved first reading of Bill 65, An Act to amend the Ottawa-Carleton French Language School Board Act, 1988.

M. Conway propose la première lecture du projet de loi 65, Loi portant modification de la Loi de 1988 sur le Conseil scolaire de langue française d'Ottawa-Carleton.

Motion agreed to.

La motion est adoptée.

**Hon Mr Conway:** I might just say by way of explanation that those two bills, as I indicated in a statement earlier today, are the legislation that give effect to the pooling of assessment that was outlined by the Treasurer (Mr R. F. Nixon) in his budgetary address earlier this year.

#### TEACHERS' PENSION ACT, 1989

Mr Conway moved first reading of Bill 66, An Act to revise the Teachers' Superannuation Act, 1983, and to make Related Amendments to the Teaching Profession Act.

Motion agreed to.

**Hon Mr Conway:** If I might, by way of brief explanatory note, I will indicate, as I suggested earlier this afternoon, that this bill does in no way change the substance of Bill 41, which was withdrawn. It simply incorporates, admittedly, a number of technical amendments that have been happily worked out over the course of the past three or four months as between representatives of the plan and the government on one hand and the Ontario Teachers' Federation on the other. I think it will satisfy all concerned. It has been a very constructive dialogue, despite what was said earlier today.

1540

### ORDERS OF THE DAY

#### INDEPENDENT HEALTH FACILITIES

Mr Ward moved that the standing committee on social development be authorized to conduct public hearings concerning the grandfathering under Bill 147 of independent health facilities charging technical fees that were set out in a column denoted by the letter "T" in regulation 452 of Revised Regulations of Ontario, 1980 made under the Health Insurance Act; that the committee consider the matter for a maximum of four days; and that the public hearings be concluded no later than Wednesday 8 November 1989.

**Mr Reville:** I am pleased to rise in my place to share a few of my comments on government notice of motion 22. The former House leader allows as how he knows what this is about as he departs from the chamber, and so that there is no mystery, I will speak briefly to what this is about.

In June 1988, the Minister of Health (Mrs Caplan) was pleased to table in the House a bill in

respect of independent health facilities which would set up a regulatory framework for primarily medical services provided outside of doctors' offices and hospitals. The Progressive Conservative critic, and I on behalf of the New Democratic Party, had occasion in the House over the last year and a half to comment on the government's policy thrust.

This summer we had some rather extensive public hearings in which members of interested groups and individuals came before the social development committee and put their case and shared with that committee the views they had about the regulation of independent health facilities. I will not discuss that matter on this occasion, because there will be an opportunity to do that later.

During the course of the proceedings, some representations were made to the committee which resulted in an amendment that I put, and such amendment was carried by the committee unanimously at that time. In fact, the subject matter of that amendment is described adequately in government notice of motion 22. Since the passing of that amendment, the bill was reported back and was scheduled for committee of the whole House examination imminently.

In the intervening period, a number of interest groups, as they are wont to do, collected a copy of the bill from the Clerk and read the same and began to have concerns, particularly about the amendment to section 7 that I had moved. I am sure that many members of the Legislature will have heard primarily from people who do diagnostic radiology but also from respirologists and cardiologists in their communities and in general as they represent their respective professional associations. Quite a to-do has been caused by this amendment.

What is happening on this occasion is quite historic. I am not aware of many occasions in the history of legislative activity in the province in which a bill has passed the public hearing stage and has rested in committee of the whole, and then was sent back out again, back a step, to further public hearings. Quite frankly, there are many bills for which I would have been delighted to have seen such a procedure followed. For instance, Bill 162, An Act to amend the Workers' Compensation Act, would have been a very good candidate to have gone back out for further public hearings. Many of those who wished to speak to that bill were not able to because the hearings were circumscribed.

In this case, as I say, it is a historic kind of event. It is not entirely unexpected. It was within



a day or so of the passage of the amendment that my colleague from the third party began to indicate that he had second thoughts. I understand there may even be those in my own party, but they would not be having second thoughts; they would be having initial thoughts, which in the formative stages are not always congruent with those of the critic. Since then, I have beat them all into line and they now have exactly the same thoughts as I do, mostly because of how trenchant and mordant my arguments were.

I suggested, perhaps roguishly, to the media as long ago as a couple of weeks that there was a good possibility that the government would chicken out on this amendment. For those members who like to track down these pithy predictions of mine, they can find that in the *Toronto Star* of 10 October. The government, of course, alleges that it is not chickening out. What it says it is doing is providing an opportunity for participation by an interest group in a matter that concerns that interest group.

That, of course, is a laudable objective. It is an objective which I support and I know my colleague in the third party, my friend the member for Parry Sound (Mr Eves), will support it as well. In fact, as late as yesterday, he called for reconsideration of Bill 147 in a delightfully worded press release which he shared with me. Would that I were a wordsmith half as accomplished as my colleague the member for Parry Sound, a member of this Legislature from the north. In fact, we should point out that he is responsible for Parry Sound's being in the north in the first place. We give him credit for that and for his wordsmithing as well.

I would hope that the government will not take it amiss if members of this party rise from time to time in the future, particularly when labour groups have been shut out of public hearings and a bill inimical to their interests is at committee of the whole House, and say, "Wouldn't it be a good idea if we referred this bill back to public hearing?" I know the government House leader will be the first to rise in his place and say: "Absolutely. We shall send this back and we will travel the province and hear from those injured workers and those legal clinics and those union officials who didn't get a chance to speak to this bill the first time."

Never let it be said that this Legislature made special arrangements for physicians. Never let it be said that Bill 94—the Premier (Mr Peterson) stood and said, "Let there be no physician in this province who does not come forward to the committee to share his or her views with the

committee." There are members of this House who are still alive today who sat through Bill 94. Members remember in those heady days of the accord, when the legislation went zing, zing, zing and all the breaths of fresh air were just squirrelling around the chamber.

We sat there as doctor after doctor came forward and suggested that we belonged to political parties that do not exist in this province. They said to us that we were in the tradition of Mussolini, Franco and Hitler, and many of us sat there squirming, hoping that might not be true. There are indeed right-wing members of this Legislature, but there are none so right wing as the names we were called by those last deputants to the Bill 94 exercise.

Here we go again, creating a special process for physicians. While I will support this motion, I certainly hope that kind of process will be available to all Ontarians.

#### 1550

**Mr Eves:** I am glad to see that my colleague the critic from the official opposition and the member for Riverdale is just as eloquent as his predecessor and as eloquent as always.

I also would like to make a few comments about government notice of motion 22 because I think it is important that people understand how this rather unusual circumstance occurred, and I would quite agree it is rather unusual.

The amendment that was put forward in committee stage by the member for Riverdale to subsection 7(7) of Bill 147 indeed was dropped on the committee at the last moment. We did not have much of an opportunity—a few moments in my case—to consider the amendment. We were assured by officials in the ministry that the Ontario Medical Association and the College of Physicians and Surgeons of Ontario supported the amendment. We were told that the Ontario Hospital Association requested the amendment.

Having agreed initially to the amendment at the first instance, as did all other members of the committee, we then soon found that there was some opposition to the amendment. The reason for the motion here today is because the people who are most affected by the amendment—ie, physicians who are radiologists in the province—were not given the opportunity to appear before the committee.

**Hon Mr Ward:** They weren't denied it.

**Mr Eves:** No, they were not denied it, the government House leader is quite right, but they were informed by officials in the ministry, in some cases in writing, that their presence before the committee and making representations to the

committee would not be necessary because it was not the government's intention to include them under the auspices of Bill 147.

I think what the government is doing here today is eminently fair to those people because ultimately it did include them in the legislation. I think it is only fair that they now have an opportunity to make their representations before committee, as every other group that is to be affected by Bill 147 had the same opportunity.

I might say that since the committee stage the bill was brought back into the House. I cannot remember whether it was the first or second day that we reconvened—the first day back. I stood in my place and asked that the bill be referred to committee of the whole because I had a concern about subsection 7(7). Now this concern will be addressed by this opportunity for further public hearings on the specific subsection, so that individuals concerned or affected will have an opportunity to let their viewpoint be known, and lo and behold, the committee may even decide to change its viewpoint with respect to this particular subsection.

I want to point out, though, that after we went through the committee stage I had the opportunity of meeting with those very groups I just mentioned here. I have had the opportunity of meeting with representatives from the Ontario Hospital Association who told me, subsequent to the committee hearings, that the subsection, the way it is worded, is not exactly what they had requested of the government.

I have also had the opportunity to meet with the Ontario Medical Association, and its representatives say that they did not ever agree with the subsection and the amendment. I have had the opportunity to discuss the amendment with the College of Physicians and Surgeons of Ontario, and representatives of that body indicate that while there are certain aspects of the amendment they agree with, there are other ones they perhaps may not agree with. I have had the opportunity to talk to the radiologists' association, and of course it has a lot of concerns about the proposed subsection.

So I think it is only fair that those groups have an opportunity to come and present their point of view, and lo and behold, some of us on the committee may even be persuaded to change our minds. I do not think that is a bad thing in democracy. I think that initially, when somebody is precluded—I am not suggesting any malice or ill intention on the part of the government. As I said, this amendment made by my colleague the member for Riverdale was dropped on the

committee at the last moment and I think perhaps we did not appreciate the fact that these people (a) were missing out on an opportunity to appear and (b) had in fact been told that there was no need for them to appear.

We will be supporting this motion.

**Mr Mackenzie:** I will be extremely brief. I just want to say that it seems that some people who had no difficulty with it to begin with, although there may not have been the presentations that should have been held, are all of a sudden running for cover. That always makes me suspicious.

Interjection.

**Mr Mackenzie:** No, I am not running for cover at all.

**Hon Mr Ward:** You were last week.

**Mr Mackenzie:** No, I do not think I was either. I think the minister should be very, very careful on that.

I think what really strikes me, and the point I wanted to make and I wanted on the record, is that I do not know when—and there have been controversial bills and bills where there has not been a full discussion—the labour movement has ever had the kind of support or been granted the right to send a bill back out for further hearings that we are now seeing after only one week of pressure from a number of doctors and specific occupations that these doctors have as well. I just want that on record: I am hoping that the government's willingness to send this bill out to deal with an issue that it feels, after some heavy pressure for a week, was not adequately discussed is not denied to other groups in our society that sure as blazes have asked for it and not had it before.

**Hon Mr Ward:** Just very briefly, I would point out to the members that the motion before us is under standing order 105(a), which empowers committees, at the direction of the House, to examine and inquire and report any matter and is in fact not a recommittal of the bill or of the clause but an opportunity to provide for public input, because after all there are a number of issues that will have to be resolved with regard to the implementation of the very substantive amendment put forward by the member for Riverdale in committee after very careful consideration. It is true that there is a significant amount of support for the amendment. Indeed, I can say without any reservation that the government members very much support the intent of the member's amendment.

The difficulty that arises, though, in this particular situation, as I understand it, is that those groups that were particularly affected by the amendment had previously communicated with the committee and with the ministry in reference to Bill 147. They were told it was not necessary for them to come forward and give a presentation because they were not covered by this. The committee, as is its right and indeed its obligation, after hearing a considerable amount of input, saw the merit in expanding the parameters of the bill, and that is what transpired.

A lot of parallels have been attempted to be made with regard to this, references to other pieces of legislation which have been advertised, which groups throughout the province have had an opportunity to provide input into, have been granted that input. As on most issues, that does not mean that every individual, given the timeliness of the need for various pieces of legislation, may have a completely unmitigated time frame or right to present his point of view, but I think the references to Bill 94 and Bill 162 are not appropriate comparisons. My recollection, as a matter of fact, is that the member for Hamilton East used to stand in his place and argue against the length of time it was taking with regard to hearings on Bill 94, for instance. I just make that point.

I appreciate the fact that the members are very much supportive of the intent of this motion. I think clear indication of that was given when the suggestion was put to them yesterday, and both went running out with their press releases, that it must be an appropriate course of action.

One of the things that concerned me greatly, I guess just prior to the recall of the House, was hearing the member for Hamilton West (Mr Allen) and the member for Hamilton East walking into a meeting with those who are effected saying that they were appalled by the process and would in no way support either the bill or its amendment because of the denial of process.

**Hon Ms Collins:** I remember that. I was there.

**Hon Mr Ward:** I was joined by my colleague the member for Wentworth East.

I am happy that we were able to provide a resolution for what I believe was truly a denial of process and I am glad to see that we finally brought the member for Hamilton East back on side with his colleague the member for Riverdale and we look forward to some very constructive input.

Motion agreed to.

## 1600

### OCCUPATIONAL HEALTH AND SAFETY STATUTE LAW AMENDMENT ACT, 1989 (continued)

Resuming the adjourned debate on the motion for second reading of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

**The Deputy Speaker:** If I remember well, the member for Sudbury (Mr Campbell) had adjourned the debate. Not seeing him around today, I presume we shall go to the next speaker, the member for Sudbury East.

**Miss Martel :** Before I begin my abuse of the Minister of Labour (Mr Phillips) on Bill 208 here this afternoon, let me say that I am sorry that the Minister of Industry, Trade and Technology (Mr Kwinter) is not here at this point in time. I flew in yesterday from Sudbury after trying to convince our chamber of commerce that it should support this particular bill and why it should. I arrived in the chamber to find that, lo and behold, the other minister who is having a great deal to do with this bill was actually in the chamber and listening to this debate. As my colleague the member for Sault Ste Marie (Mr Morin-Strom) put it so well, I was surprised that in fact the minister was not sitting up beside the Minister of Labour so that they could both quarterback this bill together, because it seems to me that the Minister of Industry, Trade and Technology is having as much, if not more, influence into the provisions under this bill than the Minister of Labour himself.

The second thing in that regard is that of course I have a few comments to make about some of the comments made by that particular minister; that is, the Minister of Industry, Trade and Technology. I had some questions as well that I was going to raise during the course of my discussion here this afternoon on the bill. I am very sorry that he will not be here to respond to some of those questions, which concern how it is that the employer lobby has affected him so greatly and what proof does he have to show that workers are going to abuse the right to stop work, which has been his contention certainly, at least in the press as reported in the Toronto Star some weeks ago. I am sorry that he is not here to share in this particular discussion, but I am sure that during the course of the public hearings he and I and other members of this Legislature will have a great deal of time to go through some of those concerns.



I want to deal with four items under this particular piece of legislation this afternoon. The first will concern the process itself. Second are the changes that have been introduced in no small way by the Minister of Labour in his speech on second reading in this chamber last week. Third, I want to spend some time on the whole provision of the right to shut down unsafe work. Finally, I want to deal a little bit with the internal responsibility system in this province when it comes to dealing with health and safety matters.

I propose to spend some time on this. I am hoping to leave some time for my colleague in the Conservative Party, but I think this is a particularly important debate and I do hope to get some of my points on record. I can tell the minister, though, that I have no intention of going on as I did on Bill 162, so that we will not be here for the next three hours and 15 minutes on this.

I think in beginning I want to deal a bit with the process itself in terms of consultation, both the consultation around this bill and the whole question of public hearings. I was surprised yesterday to hear one of the Liberal members, in his remarks on this particular bill, talking about—"mealy-mouthed" was not so the term he used, but the flip-flopping around and the shiftings of positions that he noted in terms of this party's position on amendments and the hearings process, etc. Of course, he was referring to Bill 162.

I would like to point out at this point in time that we did request the amendments on Bill 162. There is no doubt about it. We were in the process of heading out to public hearings. Only two weeks before those hearings were to begin, the minister announced in this House that there were changes. We felt that the groups that should be involved should have access to those changes and so we suggested that they should be here before us. There is no doubt about that.

Let me also point out to him, and I will during the course of my discussion, that the whole process around both the public hearings and the consultation on Bill 162 is far, far different from what we saw in Bill 208 and what we are seeing on Bill 208. So if there is any bit of two-facing going on in this particular situation, I certainly think it is on the part of this minister and on the part of this government, because there is no one who was involved in the process around Bill 208 who can deny that there was very adequate consultation and that there was a commitment struck and a deal made where both sides compromised.

By the announcement of changes to Bill 208 that will come about at the committee stage, much of that has been undone by the government. I do not think that can be denied. I think that if anyone takes the time to go through what the original bill states and looks at and compares that to the changes that were announced in here by the minister on Thursday, there has been a shift. It has not been a shift on the part of labour, but has been a shift on the part of this government due to increased lobbying on the part of employers in the province.

Let me deal with the question of consultation. It was well stated in this House by myself and others during the course of Bill 162 that there was no consultation around that particular piece of worker legislation. That was very evident. This bill was drafted between the Ministry of Labour and the Workers' Compensation Board, keeping in mind the very serious pressures that had been applied by the employer community in terms of high costs of compensation. While it might not have been at the table dealing with the bill, certainly the board and the ministry kept in mind the very intense lobby that had been going on by the employer community around costs and around the need to reduce the costs.

But as we went out on public hearings and we talked to group after group—labour councils, unions, legal clinics, even employers—and asked them the question, "What kind of input did you have on Bill 162? Who consulted you, or did you just see the draft after it was introduced?" we heard again and again that there had been no consultation, absolutely none from the people who are most concerned about this system and from the people who deal with the compensation system on a daily basis, who know best what kind of changes are required.

We travelled about Ontario, we asked all those groups and found there was no consultation. But I compare that to what has happened on Bill 208 and some discussions that I have had with representatives from the Ontario Federation of Labour. There was a lot of discussion and indeed the former Minister of Labour, the member for York Centre (Mr Sorbara), himself has stated that there was discussion, that he was involved in very intense negotiations between labour and management concerning the provisions of this bill.

The agreement that was reached some months ago was not an agreement that made either side particularly happy, but both sides came to those discussions and compromised and negotiated and there was an agreement that arrived, in the form

of Bill 208, in this House in January of last year. No one can deny that. And I want to just quote the former Minister of Labour, whose comments about this bill and about this process appeared in an article called *Stand By Me* written by Lee-Anne Jack, and it is in the Occupational Health and Safety Canada publication for July and August 1989.

The minister made the following comments, and Lee-Anne Jack has talked about the criticism around the consultation process. "One complaint," she says, "is the perceived inequity in the consultation process.

"The minister"—that is, the former Minister of Labour—"dismisses this—along with the violent criticism from labour over his equally controversial Bill 162....

"He embarked on a new series of year-long consultations, during which the unique authority to shut down dangerous workplaces was given to labour and the bipartite health and safety agency was conceived. Sorbara insists business representatives were involved in the process from beginning to end."

That is the former Minister of Labour and some of the comments that he had about Bill 208. It certainly cannot be said there was consultation on Bill 162, but in terms of Bill 208 the minister and many of those involved in the trade union movement and the employers have already confirmed that there was discussion that took place and give and take that took place.

So I was really surprised when on Thursday 28 September I picked up the *Toronto Star* and I saw in the business section, called *Business Today*, the headline "Ontario Backing Off On Worker Safety Act." I was even more surprised, given that I had read what the former minister had said about the consultation process on Bill 208, to find that the comments coming from the Minister of Industry, Trade and Technology were completely different. In fact, his comments were diametrically opposed to the comments made by the Minister of Labour who, I take it, would have been involved in those consultations themselves. "We had a breakdown in communication' when cabinet approved the legislation," Industry and Trade minister Monte Kwinter told the *Star* in a recent interview. 'We were led to believe there had been consultation (with business) and that they were on side.'"

Well, I ask in this House, reading both of those comments from ministers of the crown in this Parliament, who are we supposed to believe, who is telling the truth? We have got two very different stories about what happened. But we

also have a story, at least from my perspective, from the federation of labour, which I have talked about. It is that they were there, that they could produce dates of when they were meeting and discussing and some of the changes that were made during that consultative process.

**Mr Mackenzie:** And names.

**Miss Martel:** And names as well, as my colleague the member for Hamilton East points out, of who was there both from the employer community and from labour, and who from the ministry staff also happened to be there.

**1610**

I do not think the Minister of Industry, Trade and Technology was at those meetings. So I really cannot understand where he gets off now telling this House and the public in general that there was no consultation on this bill. I suppose that concerns me even more because I can see to what in fact and where this is going to lead.

The Minister of Industry, Trade and Technology is going to trump this all over the province of Ontario and say, "We and business now demand changes because in fact we were not consulted." It is going to be really interesting to watch during the course of public hearings how that all unfolds.

I suppose what is going to be even more interesting is to see how the majority Liberals or the committee, the majority of whom are Liberals, are in fact going to buy that line because it seems apparent to me that the government has already bought it, hook, line and sinker.

If they had not, there would not have been any changes introduced in this House when second reading started last Thursday. If we were dealing with the same piece of legislation that had been agreed upon during the negotiating process between management and labour, we would have that bill intact in its original form. That is not the form that is coming back into this House and we will not be dealing with the same bill when we start the hearings process.

It amazes me no end to see the difference on two pieces of labour legislation, both worked upon in this House within the last number of months. First of all, Bill 162, which I had a little bit to do with: no consultation, it was rammed through this Legislature in July after it had been shut down and debate shut down in committee and in here.

Then I am going to look at Bill 208, where there was a consultative process, where now that consultative process is being undone at the hands of employers who have been lobbying this government and at the hands of this government



which has bowed to that pressure. I do not think that labour has gone back and started lobbying for those changes. I do not think that any of these changes are going to benefit labour.

It is interesting to see that in two bills, both important to labour, we have really witnessed this government bowing to the employers on Bill 162, a bill that labour and the legal clinics and the New Democratic Party were totally opposed to, and now on Bill 208 we start to see the shift of the government because of the intense employer lobby.

I am really concerned about that because I can see how the public hearings are going to be. I can see that the Minister of Industry, Trade and Technology will have all his contributors to his various fund-raising things in his association, all his business friends, lining up at the door for the public hearings, which is completely legitimate. But I can also see how this committee is going to deal with the whole question of how long we will sit, to how many communities we will go, how many presenters we are going to hear from, and I can guarantee that the public hearing process on Bill 208 is going to be dramatically different than the one we saw on Bill 162. I do not think it is because the Liberals learned anything from Bill 162. I do not think so at all.

But I want to deal a little bit with the whole question of public hearings because I think it is really important to go back and see just the difference in this whole question of having public hearings and how open and how receptive the present minister seems to be around the whole question of hearings, which I might add was a complete contrast to the government's position on Bill 162.

Let me just go back to some of the questions that I raised in this House almost a year ago today, in fact, concerning public hearings and this was on Bill 162. I asked the former minister because we were so concerned about public hearings, "Will the minister commit himself today in this House to guarantee there will be full public hearings across the province on Bill 162?"

The honourable ex-Minister of Labour said to me: "Let me say this about public hearings: I think she knows very well what the rules of the House are. The committee that considers the bill after a debate in this House on second reading will determine its agenda."

I find that very interesting because the standing committee on resources development has not met yet to deal with Bill 208, yet the minister has come forward and told us how open the process is going to be. We will have full and

open public hearings and yet the committee has not even sat down to talk about it. I find the contradiction very strange.

Let me go on and go back to the question of public hearings. Here I asked the minister again, on 19 October:

"Let me go back to the minister for round three on the question of public hearings. I am going to put it very simply to him once again. He can tell his House leader that he wants public hearings. He can direct the six Liberals on the standing committee on resources development and advise them that he would like public hearings. Will he not today commit himself to doing that so injured workers will know that there will be full public hearings around the province on this bill?"

The minister did not respond, as usual; that happened on fairly frequent occasions. The minister did not respond. On the same day as we were witnessing a storming of the Legislature by injured workers, my leader as well got up and put it to the former Minister of Labour that we needed public hearings on this bill and it would be the right and proper thing for him to do that day to guarantee that that would occur.

Let me just go back to what the former minister said because I think it is so interesting to contrast what happened on that particular piece of legislation and what is happening now. The minister said this:

"He knows"—that is, my leader—"that I have no objection to there being public hearings, but I just want to tell him, quite frankly, that I do not want to subject a committee of this House to the kind of antics we have seen today." That was when the workers were coming in and demanding public hearings. "I do not want to put members of this House in a situation where we can have public hearings so that we can delay the bill or have demonstrations that bring a great deal of press attention to a view of this bill I simply do not share.

"Certainly, as the bill proceeds through second reading debate, it will obviously go to a committee. The committee will have a view as to how extensive it wants the hearing process to be; the various House leaders will have views. I certainly have no objection to that process unfolding." He thought it had to be organized and completed, given the legislative agenda that had to be done before Christmas.

It is interesting that at the same time—because the Minister of Labour got up again and said that he was not willing to commit himself, that the committees had to decide, that we were undermining the right of the committees to set their



own agendas, and blah, blah, blah—the government House leader jumped up at that point in time to try to save the former minister and said that he wanted to make it absolutely clear that the government had no objections to public hearings. He said they would sit down with their colleagues once the bill has passed the second reading stage and work out the process and then they would let the committee organize its own affairs.

Is that not interesting? I find that so interesting because I know that the Minister of Labour did not want public hearings on this bill because he did not want to hear the criticisms about the bill. But we are seeing a really different thing on Bill 208, and not because labour is going to come and criticize this bill. Labour is probably not, except for the sections where it has had the rug pulled out from under it, which the minister is fully aware of.

But I will tell the members that we are going to see all the employers there, and it will be a full and open hearing, and will it not be wonderful for the Liberal members on that committee to have all the arguments made for them so that they can justify the changes that the minister has already announced in this House? Is that not a wonderful process? Too bad it did not happen on Bill 162, when the overwhelming majority of groups that came before the committee said, "Scrap the bill," and the bill went through with all the amendments as proposed by this Liberal government intact.

What a disgrace, what an absolute disgrace, that on one piece of legislation that was so bad for workers, we shut down that process of all the groups that wanted to be heard, and on this one, mark my words, we will be travelling everywhere, all over, which is fine for me because if the people opposite thought labour was organized on Bill 162, they ain't seen nothing yet.

But let me tell the House that the minister will have all his friends at the door, using those same five changes that the minister has talked about in this House. They will be decrying how there was no consultation and how the five changes, as proposed by the minister, must be implemented, and that will let the government off the hook. That will be the excuse the government will use to change, in particular, those five sections, which, I repeat, were agreed upon in a consultative process and a negotiating process between management and labour before this bill was introduced in January this year.

**Mr Fleet:** Be sure you produce the management people to say that too.

**Miss Martel:** I hope the member will be there. I think it is going to be a wonderful process. I just cannot wait.

To go back to the point I made in terms of public hearings, I think it is going to be very interesting in committee to see how many communities the Liberals move that we should visit, how many presenters we are going to see, because I will bet my bottom dollar it is going to be more than 300.

The other interesting thing we are going to see is that when there is a long list, long beyond the cutoff like we had on Bill 162, I would guarantee that everyone who wants to be heard on this bill is going to be heard. All the employers are going to be heard, as all the doctors were heard on Bill 94. The contrast is really apparent.

I say in particular to the member who spoke yesterday, if there is anything two-faced and mealy-mouthed about this process, it is the difference between what happened on Bill 162 and what is going to happen on Bill 208.

**Mr Dietsch:** Such a nice girl to be making comments like that.

**Mr Laughren:** Did you say "girl"? Did I hear you say "girl"?

**Miss Martel:** That is okay, my colleague the member for Nickel Belt (Mr Laughren). I do not bruise easily, not in this place any more.

Let me deal with some of the changes that were introduced by the minister in this House last Thursday. I go back to the very important point that the changes are not ones that labour would have wanted to see. I can only conclude that the intense lobby that has been going on for the last eight months has forced the government to this position, that it will in fact change some sections that in many ways are major foundations for labour's initial support.

## 1620

For us to say that the minister has pulled the rug out from under them is absolutely correct, because that process was very structured. There was a great deal of input and give and take, and the minister has changed the rules of the game. If he cannot understand or his colleagues cannot understand why that makes that trade union movement so angry, then I suggest that not very many people over there have an understanding for the negotiating process in this province.

Let me deal first with the Workplace Health and Safety Agency, which is a new provision and extremely important. There is no doubt about it. If we are going to have labour and management work together in the workplace in terms of health

and safety, and not only health and safety but other issues around labour relations, then we have got to have in place in this province an agency that is bipartite in nature, where management and labour can come and negotiate as they did on this bill, and arrive at a solution where both of them may compromise, but come to a solution they can both live with.

We have had a change now from two full-time directors, one set in place by labour, the other by management, to a full-time neutral chair. A full-time neutral chair now makes this committee tripartite, not bipartite. We now have involved in this process—we assume it may be a government appointment, we are not sure—but certainly another member who takes away from that whole structure of what this government said it was trying to achieve, that is, having management and labour work together to resolve problems in the workplace.

When we have a neutral chair, we have to expect if we get into the position of having a tie, we are going to have that supposedly neutral chair—and we do not know where they are coming from yet, of course—breaking some of those ties. I can guarantee that what we have tried to get away from in this whole process as we talk about the internal responsibility system is the need to have a ministry inspector, a government official, in the workplace trying to resolve disputes.

This minister went on record as saying we are trying to improve the internal responsibility system. Well, he is not going to improve it when we have got a neutral chair that takes away the right of those two groups to fight it out together, to compromise and make reasonable changes. That clearly was a major change from what labour and management agreed upon in this process.

It was a change, and for labour now it is a tremendous change. They accepted that with a bipartite committee they would be fighting it out head to head, but they agreed to that. They did not want another ministry person or another person involved in what should be a resolution by both parties to things going on in the workplace.

By implementing that particular change, the minister has changed the whole structure that they went out and sold to their membership. Not only has the minister changed that, he has added some full-time vice-chairs. He has added some four members representing health and safety professions, and we are not quite sure where they come from, if they are from unorganized, organized or management, where they are going

to be drawn from. Then the small business advisory committee, which is a new provision as well, was not agreed upon and was not a part of the original offer on this bill.

I hardly think the change that has been put in place would have been one agreed to by labour. I hardly think that. I hardly think it was labour that came down and lobbied hard to get a full-time neutral chair. I do not think so at all, because as I said earlier, they were quite willing to go head to head with the employer and resolve issues in the workplace. They did not feel they needed a neutral chair and they certainly did not feel the process was not going to be efficient without a neutral chair, so the only place it could have come from was, of course, the employer side.

I have yet to fathom why the government would change the proposed structure, the original structure under Bill 208, if the intent of the government was to get some of the ministry people out of the workplace and allow management and labour to work out those differences on their own. The minister has said that is a cornerstone of this legislation, to improve the internal responsibility system, yet we now have the appointment of a neutral chair. That is a major problem for the labour people, certainly one they did not come down and lobby about. So I have to assume we have catered to the employers on that one, and I am not sure why. I am sorry the Ministry of Industry, Trade and Technology is not here because perhaps he could answer that for me.

Let me deal next with the employer safety associations and the workers' training centres. Under the original bill as drafted, the health and safety agency was to administer and oversee the operations of the safety associations, the operations of the health and safety medical clinics and the operations of the occupational health and safety training centres, according to prescriptions in the regulations, etc., concerning the way that the rules of the operation and changes in the organization could be accomplished.

That process, that changing of the structure of the associations, the bringing into the fold of the health and safety associations, the health and safety sections and the health and safety centres, clinics, was to be done within one year. The agency from that point on was to have some control over what happened in those associations and organizations in a manner that we would prescribe later on.

I guess the point is, when dealing with some of the labour representatives, and particularly with the director of the health and safety centre in



Sudbury, their whole sense was that in fact they had hoped that the agency would have had the power to determine the process for selecting representatives to the various associations and committees; that in fact it would be the association that would set in place the mechanism whereby representatives would be elected or appointed to the boards of directors of those various organizations to ensure that they were, in fact and in reality, bipartite in nature, a true representation of both labour and management on all of the associations that the Workers' Compensation Board pays to operate at this point in time.

They did not say that the agencies should have the power to select the representatives themselves, only that the mechanism should be set in place and that the mechanism should provide that the representation would be truly bipartite, and that type of mechanism would apply to each of the safety associations and it would also apply to the workers' health and safety centres and their training centres.

The change that has been proposed is extremely significant, and I want to go through it for members who are here today. The change that will be proposed and has been proposed by the minister is this: that the organizations themselves, the safety associations and the workers' health and safety centres and clinics, etc, will themselves decide on the composition of their own boards of directors as long as 50 per cent of the representatives are from workers employed in that sector. It will take up to two years to provide that change, and second, we will have an umpire in place who is going to resolve some of the disputes.

I want to point out to the minister that by doing something like he has really undercut trying to put in place a truly bipartite board of directors on all of those associations and safety centres. Let me tell him why. Labour would have liked the agency to set in place the mechanism for determining the selection. They did not have to do the selection themselves in terms of the representatives, but at least put in the mechanism to ensure that labour could put their representatives on the associations and management would have the right to put their representatives on the boards of directors and they would be truly bipartite.

What the minister has done by giving each of the associations that ability, on the employers' side all the safety associations and on the workers' side the health and safety clinics and centres, is that he has left in the hands of the

boards that are already in place, which are not bipartite in any way, shape or form, the power for them to determine the mechanism of selection.

So it is going to be just as easy for the board of the Industrial Accident Prevention Association to say, "Yes, we will have a bipartite structure, but in fact we choose the workers' representatives and we choose the employer's representatives," and it would be just as easy for them, because they are not going to go to a unionized shop and pull workers' representatives, to go into the workplace, select company union people and put them on, and then continue on their merry way implementing policies and getting as much money as they ever did from the Workers' Compensation Board again.

### 1630

The minister has not put in place in any way, shape or form a truly bipartite structure where those organizations are truly represented by management people selected by management and by labour people selected by labour. The problem that flows from that, of course, is that the safety associations at this point in time receive about \$46 million from the Workers' Compensation Board compared to the \$4 million that the workers' centres and workers' clinics receive for their training, etc.

By really keeping the mechanism in the hands of those associations, the minister guarantees that they determine the composition of the board, which is not going to be much different from the composition now. They will continue to receive that same kind of enormous funding, \$46 million on the one hand for the safety associations, while the workers' associations will receive \$4 million.

Surely, when we talked about having all of these associations, the centres and the clinics under the umbrella of the agency, we did that to ensure that there would be an equitable division of the funds and that the agency itself would have the power to ensure that all the boards of directors were truly bipartite, and if not, the agency itself, which would be truly bipartite, would then put into place the mechanism where they could make those changes, change the structure so that each association, sector by sector, and the workers' centres and the workers' training centres would in fact have equal representation and equal access to funding.

They will not under this system. We have not moved to change what is a gross inequity in this province, that employers' associations can take in \$46 million a year from the board for their training and workers are left with \$4 million. There is something dramatically wrong when



that is the only type of resource and those are the inadequate types of resources workers can access in this province for training their people in health and safety to keep them alive in the workplace.

I want to deal with a third change that has come in terms of the construction industry. I suppose I should not be surprised that we are seeing some of the changes that we are in the construction industry because we saw the same type of response to construction in Bill 162, and that is initially complete exemption out of the right to be reinstated because of all kinds of special and unique this-and-that types of mechanisms that operate in the construction industry that would not allow employers to take their workers back.

It was only with a great deal of pressure put on by the construction industries that the minister removed the exemption, but now they are somewhere out in limbo and some kind of negotiation process will have to go on to determine how those construction people will be brought into the bill and given some kind of rights of reinstatement. Of course, there is no time line on that process, no deadline, so we can assume that for the moment the construction industry itself is safe and will not have to deal with the question of reinstating those people.

Let me go to the changes here in terms of construction that really disturb me as well. Initially in the construction industry we would have had joint health and safety committees on every project with more than 20 employees when those projects were to run for at least three months. We would have had further to that, an important step forward, the certification both of a manager representative and a labour representative, coming off of that joint health and safety committee.

Second, and following from that, another very important provision: Given that on a construction site at this point in time a lot of the trades are not regulated, that there is not a great deal of emphasis on health and safety and that we have a lot of people who are contract people getting hurt and killed, the joint health and safety committee itself would have the ability to establish a workers' trades committee for that particular project and the members on that committee would represent the various trades and would be selected by members in the trades themselves.

That committee would report safety concerns to the joint health and safety committee and that joint health and safety committee would undertake action and certainly, I assume from that, would use their own right to shut down some of that unsafe work in the trades if the need arose.

So I was extremely concerned when I read through the changes to this section because there should be no doubt in anyone's mind that changes in terms of health and safety in the construction industry are badly needed. In this province we only have two joint health and safety committees on construction sites, one at the SkyDome and one at Scotia Tower, only because two workers were killed there.

When I look now and see that in fact the certification will only occur if there are 50 workers on the site and a project lasting six months, I have to really say, "You know, they did it to you again. They came here and lobbied hard and said: 'It's not enough. We can't do it. We've got to have more than 50 workers because of the specific nature of the construction industry. We've got to have a work site lasting at least six months before we can have a joint health and safety committee.'"

I do not have the figures in front of me, but I would like to ask the minister how many of those projects would still be in place after six months and are we in fact going far beyond, to the point where we are going to be excluding more of those projects than we are actually including, and excluding more of those workers than we are actually including under the provisions of this bill?

It is not noted in the bill and I am left to wonder who in fact is going to establish the joint training board that is going to ensure there is some kind of pool of certified members in the industry. I looked through the bill and I could not quite figure out who was going to do that. We also will now have a constructor who must have a certified management rep on site. Finally, with the phase-in requirements for certification, there will be a phase-in of requirements for certified members in order to develop this type of pool.

Let me say to the minister that I do not know why he changed what was in place already, because what was in place was good stuff. He would have protected all those people who, in that industry in particular, are extremely vulnerable and where a lot of the serious injuries that are taking place in this province are occurring. By making the stipulation that you cannot get certification until after there are 50 workers and after the project lasts for six months, he has effectively cut out all those people who should really be protected and who need protection.

I take it that if you do not have certified members, the joint health and safety committee cannot shut that site down or cannot shut the trades down, although I stand to be corrected

from the minister and perhaps he can respond. If you have no certified labour rep on site, who is going to protect those workers? I guess I cannot understand why it is going to be an obligation on management to provide a management rep, but there is no obligation for management to provide a worker rep on that site. Even if you develop a pool of certified labour reps, what is the likelihood that one of those labour reps is going to be on that construction site to represent those trades?

On the one hand, the minister has made it an obligation to have a management rep on that site and not an obligation to have a worker rep, and I cannot understand why there is a difference. I cannot understand why there is a discrepancy and why the onus is not on the employer to have both, so that both can have the power to shut down an unsafe workplace, so that both will be there to shut down unsafe work and so that he is not protecting one vested interest at the expense of another.

Certainly, my overwhelming concern is that if you have only a pool and you do not have reps right on site, how do you ensure that within that pool you are going to have a representative from the workers' side on that site at all times? It should be an obligation on both parties.

I am not sure why there was a change in this section. I think what we had in place before was more than adequate. I think it was extremely important that the government moved in that regard, but I cannot for the life of me figure out why it would back off now and put into place some of the changes that it has, because the overall impact, mark my words, is that there are going to be far fewer people who should be covered actually covered. In an industry where there are such high incidence of injury, serious injury and death, we should have been making those major steps forward to keep those protections and put those protections in place. I think the minister has really and truly undermined some of the protections that would have been in place with these types of changes.

The fifth change I want to deal with concerns the certification process itself. Under the bill, of course, that whole structure is going to be developed. We did have at least, on each joint health and safety committee, a requirement that there be at least one certified labour and one certified management rep, and that was a good thing.

I get really worried when I look at the changes now, the section in terms of certification that says the bill will provide for the phasing in of

certification requirements. I suppose my fear goes back to the article in the *Toronto Star*. I am not sure who leaked what type of information to the *Star*, but in any event, I go back to the article and I note one of the proposed changes concerns certification standards and the analysis that in fact the phasing in period will be so excessively and unduly long that you will delay the whole process of allowing workers to shut down unsafe workplaces. The article itself says, "Making certification standards so tough for these representatives that the new system couldn't go into effect for at least four or five years."

#### 1640

That is a real concern because under the present act workers at least have the right to protect themselves and they can refuse to do unsafe work. We looked at the bill and the bill expanded that to include work that might make someone else or put someone else in an unsafe position, but we do not have anywhere the provisions for workers to shut down unsafe machinery or shut down an unsafe workplace because of chemicals or anything else to protect all of the workers in that workplace. So you have to assume and you have to hope that worker by worker they are going to stand up together and they are all going to exercise their right and they are going to shut down the plant or they are going to walk out.

Surely it is about time we moved beyond that. You put the people in place who are certified, who understand the laws, who have been trained to deal with health and safety and contravention of the act and give them the right to do that. I worry that we are going to be making the certification process so tough that it will be four or five years in this province before we move to that next step, which is to allow certified reps to shut down unsafe work. It is not good enough any more that in this province workers can only exercise an individual right. If you have the certified and the recognized people in place, they should have that right to protect others. It should not be four or five years in coming.

Just as an example in terms of my concern over the fear, I called last night the director of the health and safety centre in Sudbury who is the regional representative for all of northern Ontario. They have been running that centre for some two and a half or three years now. I asked him if he could provide to me some type of proposal on training that they use in terms of certifying worker representatives in the workplace and certifying people in proper health and safety standards and knowledge of the act, because I



wanted to put on record what we thought might be a legitimate beginning for a certification process, certainly not the end but a beginning, one that was not going to take undue and excessive time to put in place, so that in fact we move to that step of allowing workers to shut down the workplace.

He gave me some of the guidelines that the workers' health and safety centres use now when they train their own people. They have records that have led to over 30,000 health and safety representatives trained in a 30-hour certificate program. This leads, in their opinion, to accreditation as a certified health and safety representative. For total accreditation, which goes beyond health and safety to look at unsafe products or chemicals, etc, under right-to-know legislation, that training exceeds 150 hours and consists of core curriculum along with sector- and industry-specific materials, depending where their people are coming from and being trained for.

The curriculum for the health and safety centres, which are in place and providing training at present, is as follows: A 30-hour level one basic health and safety course. It looks at the legal duties and responsibilities of both workplace parties and provides a recognition of workplace hazards. Those people who participate in the 30-hour course learn of basic health and safety and how workplace exposures can affect them in the long and short term. They also learn principles of control and strategies to reduce their own health hazards and safety hazards.

Next, they have a 30-hour level two joint health and safety committee program. It focuses on how to make a joint health and safety committee work. It develops their own skill and knowledge to read technical reports and investigating reports on incidents and fatalities, and to work in consultation with employer reps to achieve consensus for workplace improvements.

Next, there is a 30-hour level two health and safety law course. That equips health and safety reps with the skills to read and interpret health and safety legislation, sectoral regulations, workplace hazardous materials information system, transportation of dangerous goods regulations, hazardous waste regulations and so on.

Next, there is a 60-hour work process and job hazard communication course. This training is specific to industry. It develops a knowledge of communication and essential skills in each specific industry sector. They look at chemicals that are used in that sector, machinery, processes that are specific to that sector, and how to deal with health and safety problems that result, how

to identify health and safety problems so that they can advise a worker to refuse to work in those conditions.

Together, all those lead up to about 150 hours of accreditation for what they feel is a very good start and basis for accredited health and safety reps. I think it is important that the government take a good look at what they have in place because they have been training people for at least the last three years in Sudbury and longer than that here in Metropolitan Toronto.

The point I want to make to the minister is that when I look at the newspaper article, which I hope is not correct, and look at the four and five years, I say to myself that is only a mechanism to block the whole process of shutting down a workplace which the employers in this province have been so bitterly opposed to; not all employers, but some, and certainly those have been making their concerns known to this government.

I raise the point of what the health and safety centres use to start to consider appropriate representation and training, and say we should be looking at that basis and that basis starts at 150 hours. Certainly, when we get into the public hearings, if I start to hear four and five years, I am going to seriously wonder where it is coming from and why, because some of those people who are providing training now are certainly doing a hell of a job and it is not taking them that long to get people in place to protect others in the workplace.

The next change I want to deal with concerns the written health and safety policy. Under the original bill, as drafted, each employer was to prepare and review annually the health and safety policy. The employer was to provide this to the joint health and safety committee if there was one established, or he was to provide it to a health and safety representative at the plant if there was no health and safety committee in place due to numbers. He was also to make available any kind of report on hazardous substances and any kind of testing that went on to the workers in that workplace.

I notice that in the change that has been announced by the minister there will be no requirement of a written policy in workplaces that have less than five employees. I do not understand why not. Certainly, it would be to me a fairly simple matter of establishing a policy, looking at dangerous chemicals in the workplace—how to respond, what the processes are going to be within that workplace—and writing that down and having that policy



available, and run off the copies if you are rehiring people.

It does not seem to me a very difficult task to demand that the employer sit down and do that and that the policy will be in place and the workers will have some knowledge of what is expected of them, what their rights are, how the workplace should operate, and if it does not, where they can go for recourse to make those changes. It seems to me that while the government may have said, "If you have less than five employees, you might not have a very dangerous workplace," you are still going to be dealing with people who work, for example, in cleaning. I am thinking of clothes cleaning where they are exposed to chemicals and toxic substances that they may not know the effects of.

Surely, it is not an onerous burden on employers for them to produce a health and safety policy that they can live with, that can be applied for the next couple of years and that can be handed out if they have got new employees coming in. I do not think that is too much to ask. Then you set out, in concrete terms, what their expectations and responsibilities are and the employees can be aware of that. Again, I do not understand, although it is not a major point in terms of the whole bill, why we have a movement on that and why we would change something as responsible as that type of action on the part of the employer.

The last and final change I want to deal with in this section really is the one that is very important to me. It is the authority to stop work and the whole question of how that should be done in a workplace in this province. I go back to the original drafting of the bill which said that each joint health and safety committee would have a certified labour and management rep, and that if and when the act was contravened and danger resulted, the reps would have the responsibility and the obligation to shut down that unsafe work, whether it be a piece of machinery or a sector of the establishment or the whole establishment.

The employer was to comply with this and immediately investigate with the rep, whether it be employer or labour. If a disagreement arose, an inspector could be called in and the inspector or either of the safety reps could rescind the order if the workplace was shown to be safe. Further, put into the bill was a very specific provision that if employers felt there was abuse, then there was somewhere where they could go to have their case held and heard.

The agency would have the opportunity and would swiftly look at the merits of the case and

make a determination as to whether the right to shut down that unsafe work was abused or not. If it was shown to be abused, then that worker or rep, either management or labour, would lose his certification.

### 1650

I look now at the changes that are proposed and I really think in this sector and in this section, which the minister is proposing, they will really gut that whole right. I really do.

I look at the approach that the minister has talked about and what he has said in his statement, which is that in fact there has been a great deal of concern around this issue, and no doubt there has been, no doubt the employers have been out there arguing this is all going to be abused. I notice that in fact there has been a major change, in my opinion, and I think that anyone who sits down and really seriously reads it would see the same thing.

What the minister is proposing, the approach he is proposing, is significantly different from the one that was in place with the bill originally. Now we have a system where in fact he is hoping that if the internal responsibility system is working well, then management and labour are going to come together and they are going to decide to shut down an unsafe work site or an unsafe piece of machinery, etc.

I want to say, does the minister really think that if there was not a problem, that if there was not something that was unsafe, that the worker representative would in fact be moving to try to shut that down? If the internal responsibility system was working and there was a process in place whereby the concerns were raised to the joint health and safety committee and they were adequately dealt with, does the minister think we would ever get to a point where either side would want to shut something down? Surely if the system is working as it is supposed to, the recommendations or the problems would be raised at the joint health and safety committee, recommendations would be made, the employer would comply and everyone would be happy. There would be no need to go out and exercise a right to stop work.

But by saying that the minister is expecting that system to always function and that in fact he should expect the worker representative and the employer representative to come and sit down together and decide if they should shut something down is a little ridiculous. I do not think the minister is taking into account what is happening in the workplace and that is that the responsibility system is breaking down and recommendations

to joint health and safety committees to the employer are being ignored and the unsafe piece of machinery or the chemicals are still being used.

When you get to all that and there is no other option and as a rep you should have the right to shut it down, because it seems obvious to me and it is going to seem obvious to that rep that the employer does not care, that the employer's rep does not care and there is no point to fooling around with some kind of joint consultation any more because you are putting people's lives and their health at risk.

I cannot fathom, as I read this little section called authority to stop work under the minister's proposals that he put out here on 12 October, I cannot understand why he would think that we are going to get to that point where they are going to sit down together, in the middle of a crisis when you have dangerous work, and calmly negotiate if and how they should shut down that workplace.

I really think that by expecting that to happen in good companies with good health and safety records, the minister is living in dreamland because workers, either representatives from labour or management, are not going to go out. If they could resolve the problem, they would, but if they get to the point where they have to shut something down it is because they cannot consult with each other any more, it is because one side or another is not listening and is not willing to make the changes that are required.

I say in this section I really think that the minister has gutted the whole intent and the whole strength behind the notion that if there is unsafe work and unsafe machinery and chemicals then a worker rep who knows all about that, who is trained, who has studied, who is responsible should have the right to shut that down, from either side, although I hardly expect management is going to be out there shutting down unsafe things in contravention of the employee's wishes. I hardly think that is going to happen but I remain to be surprised.

I am worried when I go from that because I see a complete gutting in that whole section. I move on to the next section which says that if you have a bad health and safety record, we have two alternatives for you. The first one is to give a certified member the authority to stop work in immediate danger—and I note that immediate appeared in terms of the background paper—and I have to say I do not think these reps would be shutting down something that was unsafe if in fact there was not an immediate danger.

They are going to risk being decertified by the health and safety agency if they pull a stunt like that. Surely to God, with the training they are going to get, and the obligation and responsibility placed upon them, they are not going to be capricious in their use. They are not going to go out and shut something down unless it is an immediate danger.

But the minister has said as well that if it is imminent danger, we will allow them to do that, if, of course, there is a bad record for the employer. I say again, I think he is dreaming if he does not realize that there is a problem and the mechanism that he is putting into place, the one approach he is going to put before our committee as a real alternative, then there is something really wrong. I do not think he really understands what is going on out in the workplace when the internal responsibility system breaks down.

I guess the second alternative he gave us, if the health and safety record of the company was bad, is that we should perhaps put an inspector in the workplace, full time, if need be, at the employer's expense to try to get some of those necessary improvements. I say to the minister, he is going to have representatives or inspectors in the workplace all across this province, and we are not going to be able to hire enough inspectors in this province to monitor that type of system. Surely that flies in the face of his stated intention which was in fact to have management and labour work it out in the workplace and resolve the difficulty.

When you put an inspector in there, the only thing you do is undermine that whole process and you tell both parties—it does not matter if you negotiate or not, because the inspector is going to decide and the inspector is going to run the workplace and we put in more ministry people, totally contrary to the ideals which are set out in this bill, which is to try to make management and labour negotiate, compromise and work together.

It is interesting; I go back to a comment that was made by the former Minister of Labour on this very question about inspectors in an article, again, in Occupational Health and Safety, Canada, which I alluded to earlier. On this whole question of inspectors, which it now seems this minister is intent on putting into this bill in terms of unsafe work, the former Minister of Labour said this:

"Either we can hire every fourth person in the province to serve as a labour inspector or we can begin a process which, in the fullness of time, when fully in bloom, will give us a system where



the workplace parties themselves are taking more responsibility."

It is not often that the former Minister of Labour and I ever agree, but I think he had it right; I really do. If you are talking about putting in place an effective internal responsibility system, you are undermining that process completely by saying: "If you've got a bad health and safety record, we won't give you the right to unilaterally shut down. We'll put an inspector in there and he can monitor the whole system." You will not get any significant changes and you are going to have a fight in that workplace all the time. You are going to have labour, on one part, relying on the inspector to enforce and ensure the workplace is shut down if it is unsafe, and you are going to have management, on the other side, lobbying the inspector not to shut anything down, to let the abuse continue, and you are not going to get any further ahead in having the two parties that should be responsible for workplace safety actually getting around to the business of doing that.

I am concerned about the whole section; I am concerned about the change, which I think has effectively gutted the strength that lay there before. I am concerned because I do not think the minister has a realistic sense of how this whole thing is going to be used. In fact, if we are coming to a point where there is an immediate danger, then, yes, the place should be shut down and people are not going to frivolously shut it down without taking into account that immediate danger.

We should go back to what we had in place before, the system that was agreed upon by management and labour, that is, a system to allow certified people to shut unsafe work down, because I think, in the end, that is the only protection that working people have and that is the only way you are going to ensure that the workplaces in this province are going to be safe and people can expect, when they go out to work during the day, they are going to come home at night to their families. I think what the minister is proposing, this proposal that the committee is going to see, is not workable, and I am sure it comes only from the employers' large and vociferous lobbying on this particular section.

The third section I want to deal with really comes out of this specific focus on the right to refuse. I have dealt with some of the changes and I think some of those changes really do gut the whole intent of the bill. But I want to spend a little bit of time on what I think the big lobby is

right now, the big area of concern to employers, and that is the right to refuse.

I should just point out one of the letters that I received, and I know members in this House have received the same type of thing, but I guess it really makes me wonder sometimes where the employers in this province are coming from and why they have so little respect and so little faith in the people they employ, the people who make money for their various companies.

#### 1700

I will not say where I got the letter from, only to say that it is basically the same as some of the employer letters we are all receiving. It says, "We regard Bill 208 as an unjustifiable and completely unacceptable intrusion into the employer's right to manage." Never mind the worker's right to expect to work in a safe workplace.

"In particular we foresee not only the potential, but the virtual certainty, of abuse of the powers you wish to give to individual certified workers to close down a construction project. Your stated position is that these powers would not be abused by workers, but it is unrealistic to assume that such a powerful tool will not from time to time be used for improper reasons."

I have to say I have more faith in working people than that. I really do, because I do not think it is in the best interest of a worker to go out and frivolously shut down an unsafe workplace and risk losing their employment if they are in an unorganized place, or risk never being promoted, or enjoying any of the benefits in that company again for doing something like that.

There are three things that I want to say. I find it really strange that employers think that workers are going to be so irresponsible in terms of health and safety, but they do not find workers irresponsible when they talk about making money for the company. I find it very strange that workers who have an interest in their protection, by shutting down an unsafe site where they may in all likelihood get hurt, would not benefit the company in terms of no accidents, less compensation, less premiums being paid to the Workers' Compensation Board.

The third thing is that I do not think anyone, not those of us in the New Democratic Party, the government or workers in general are out to put the companies out of business. But I do think again and again that where there is unsafe work, machinery and chemicals that workers should have a right to say, "We have got to put in place a process that starts to change that." If the employer does not want to listen and the ministry



inspector does not want to come in and shut it down, but then for God's sake surely we have some right to expect that we can go to work and not be put under those kinds of conditions and not anticipate being hurt or killed on the job site.

I do not think that is unrealistic and I am amazed that the employer lobby around this issue has been so fierce. I say, again, I have more faith in working people and it surprises me that employers have faith in working people when they are making them money, but they have no faith in their responsibility when it comes to health and safety.

We should really look, then, in terms of dealing with this issue at what the real situation is in Ontario and what the facts are. I want to deal with a couple of things. I think employers are dead wrong in their assumptions, and I say it for a couple of reasons.

First I will look at Australia. The state of Victoria in Australia has had right-to-stop-work legislation in place for some time now. In the first year of that legislation, when it was in effect, they had 22 work stoppages. They had 21 upheld by their labour ministry. There was no abuse in that particular system. Then I will take it a little bit closer to home and look at the mining industry in particular, because the mining industry for one, is one that learned a long time ago that if they were going to reduce workers' compensation costs, then they had to put health and safety in and make it a priority in their workplace.

My friend the member for Nickel Belt is right when he talked about the tour that the standing committee on resources development took. I was not part of it, but certainly the internal responsibility system in mining was working, because many of those companies came to the conclusion that it was not a bad thing to have worker reps, and that in fact it was not a bad thing to be able to shut down unsafe work and that they might protect some people and they might have fewer people on compensation and they might reduce some of their premiums to the board.

We talked to two groups in particular. We dealt with the United Steelworkers in Sudbury and we dealt with the United Steelworkers in Elliot Lake. I asked for some information about this whole process of worker reps and the right to shut down unsafe work and asked if it had been abused or if it had not. I just want to give the members of this House some idea of what has really happened in the mining sector in particular.

When we went to Sudbury we talked to Don McGraw. He is in charge of health and safety. He

has said a couple of things. "There are 12 worker reps. They have been place for over two years now. They are paid to be worker reps. There is a verbal agreement with the company that those reps can shut down unsafe operations."

The right is not in their contract at this point in time, but in fact what they have found is that there have been no complaints by management. There have been work stoppages, but there have not been any complaints by management. That right which was not in their contract has not been taken away, and the employers have not bucked that system.

In fact, a lot of the managers are trained by Inco health and safety trainers, and in fact as well, they have found that there has been a real influence on workers, because when the worker representative goes in, his colleagues are responding to him to exercise their right to refuse or to get out of that unsafe workplace. They have found that in fact it has worked extremely well in Inco operations in Sudbury. They have no complaint and they certainly have had no experience of abuse. I remind members again that they do have a gentlemen's agreement in terms of the right to shut down unsafe work.

I then spoke to Wayne Glibbery, who is a health and safety representative in Elliot Lake. In their case, there are two full-time safety inspectors and one full-time environmental inspector per site. There is a letter of intent in their case that allows these people to shut down unsafe workplaces. They also have the right to go to an operator of any piece of machinery and advise of his or her right to refuse unsafe work because that piece of machinery should be either fixed or repaired and they should not continue to work on it any further.

He has told us that the shutdown for unsafe work is very unusual. It has barely been exercised in their situation. The company has had no problems with it and they are using the health and safety representatives more than they are using their own inspectors underground. They also have management representatives trained by the steelworkers.

So in fact we have got a process in place in the mining sector in this province which is working well, which does not have a long history of abuse even though the rights are being exercised. But the rights are not being exercised unduly and even management has come to agree with that. If there would have been any problem, I would have thought that Rio Algom or Denison or Inco would have withdrawn that voluntary right that they gave and they would not allow workers to

shut down unsafe work if there was a problem. I can only assume that if they have not done that, there is not a problem.

In fact, we have a clear example, which should be an example shown to other employers, that it can work and it can work well, and they have no justification for this out-and-out attack which states that workers are irresponsible and will abuse it. I have great difficulty when I receive these kinds of letters and when I hear comments that in fact workers are going to abuse it and we have got to change the section. There is nothing in place in this province that shows it is going to be abused. I am sorry the Minister of Industry, Trade and Technology is not here today, because I would have been interested in hearing his comments as to why he might think or what kind of cases the construction industry in particular has brought forward to show that this abuse might well happen.

I want to deal with another piece of legislation that this government introduced to show again that the hue and cry about abuse is not legitimate and it is not justified. In this case the legislation is not health and safety but it is labour legislation. It was the first contract legislation that was put in place in this House in 1986.

During the estimates of the Ministry of Labour, my colleague the member for Hamilton East (Mr Mackenzie) asked about this particular piece of legislation, given that we have had it in place for three years, and if the ministry, which is monitoring this program, has noticed any abuse.

What the legislation does is it allows unions to approach the Ontario Labour Relations Board to seek some kind of direction in an arbitration of a first contract if there is a dispute between an employer and the union. In almost all the cases, the ministry did tell us it was a new union in place which was first testing their right to organize, testing their right to have a first contract in the workplace.

It is interesting because my colleague the member for Hamilton East asked if there had been any abuse, and the ministry officials themselves commented and said this, that in fact during the period of May 1986 to December 1988, a total of 1,061 first contract agreements were settled without any reference at all to first agreement legislation. Bear in mind that the employers said the workers would be out there abusing it, trying to get to the labour relations board at every attempt, trying to say that the employer was undermining the legitimate bargaining process and trying to exercise undue

pressure at the labour relations board for their side and their contract to be accepted.

The ministry went on to give the figures, 71 that actually proceeded to arbitration, and how they broke down and how many were settled even before outside arbitrators became involved. The ministry said that out of a total of 1,132 first agreements, only eight went to arbitration. As a percentage, this seems to be less than one per cent, actually, about 0.7 per cent, that ever went to arbitration.

#### 1710

I point out to members in this House that during the debate on that particular bill, there were a number of members who raised concerns coming from the employers that there would be abuse; that the union would want to exercise its rights a little bit and would unduly go to the Ontario Labour Relations Board to try and get its contract put in place.

We saw, and the ministry said to us quite clearly, that there was no abuse. In fact, when my colleague the member for Hamilton East asked if the ministry had come up with any case that it considered frivolous, the Minister of Labour at the time said, "None that I know of," and the director of that branch said, "I really cannot say, but it doesn't look like it."

I say to members in this House, and I guess to some of those employers out there who are lobbying so hard against this provision, that there is nothing in place in this province which justifies the overwhelming concern they have in terms of possible abuse.

I would be anxious to have the government provide us with some of the arguments that employers have provided them in order to shift the government's position on the unsafe work, that is, to recommend the policy change it has recommended in the debate last Thursday, because I have more faith in workers and, for the life of me, I cannot understand what good, concrete arguments could have possibly been presented by employers to have the government shift in this regard, and shift the government certainly has done in terms of the right to refuse unsafe work. I cannot imagine why there is such hysteria.

I hope that the minister, if he responds to me, will tell me why it is that he has felt that it is necessary to change this particular section of the bill; why it is that he feels now that the unilateral right can only be exercised where the record of the employer is poor, and why it is that he would prefer to put inspectors in that workplace instead of allowing a certified management or labour rep



to shut the workplace down, as originally proposed. I think, as I said before, the minister guts the whole purpose and he certainly provides a slap in the face for his own provision that the purpose of this bill is to put into place an effective internal responsibility system where in fact management and labour have to bargain together.

The fourth section that I want to deal with concerns just that, the question of the internal responsibility system. When I got back here yesterday afternoon I was hearing some comments about how effective that system was proving and I might agree that the system has worked rather well in the mining industry because again, as I have said, employers, the companies and the unions have come together to provide training to allow provisions to stop unsafe work. But I do not think that is the typical case in Ontario workplaces and so I was surprised to hear one of the Liberal members yesterday talking about how the system can really work, how well it is working and in fact how the provisions of this bill are going to make that system work even better.

I want to raise in this House a couple of cases. I think they are important to show that we have a long, long way to go in terms of putting into place an effective internal responsibility system. We may have it with some of the bigger mining companies, but we do not have it in the rest of this province. That is why the right to refuse unsafe work becomes so important and that is why the right to have a unilateral right for either the worker rep or the employer rep is so important.

Let me just raise with some of the members in this House some of the cases that my predecessor heard when he conducted his first health and safety tour in this province in 1983. As health and safety critic at the time, he decided that there seemed to be such an abuse of the Occupational Health and Safety Act in this province that it was worth going out and finding out what was wrong and how we could provide effective change. Let me point out to the members here just how the internal responsibility system is not working in this province and why the right to refuse unsafe work is so important.

Let me give people the example of work refusals at Dresser Canada Inc. Workers at a fabrication plant in Cambridge found through experience that work refusals are no guarantee that unsafe workplaces will be cleaned up. The workers, members of Local 5475, United Steelworkers of America, make valves, gauges, cranes and, until recently, drilling rigs.

In March 1982, a ministry inspector noted 38 lost-time accidents in a three-month period and 45 accidents in another three-month period. One ministry inspector noted this was far in excess of anything reasonable for this type of operation. That was a ministry inspector. Workers began to exercise their right to refuse unsafe work as a means of cleaning up immediate dangers in the workplace but they found that even rights given to them under section 23 of the Occupational Health and Safety Act, such as the right to an investigation and the right to wages lost due to work refusals, were not respected.

In May 1981, a worker refused to move a heavy load by means of a pushbutton-controlled crane because the area he was to work in was hazardous. He followed the proper work refusal directives, but Dresser management refused to investigate and rectify the problem. Instead, the company sent the worker home and docked his pay. It required Ministry of Labour intervention at the union's request to reinstate his lost wages. Even then, although the inspector agreed section 23 had been contravened, no charges were laid or orders issued about contravention.

In November 1981, a worker refused to work inside of a crane suspended by wire five metres above the ground. There was no safety harness and no one safeguarding the controls on the plant floor while the worker was suspended. He was threatened by his supervisor with loss of wages and he returned to the hazardous work.

In March 1982, 38 workers refused to work in an excessively smoky area of the fabrication plant where tests by the Ministry of Labour had found welding fume levels above the Ontario guidelines and where ventilation had been found inadequate. Again, instead of following procedures under the act, management suspended the workers' pay and sent letters of 12 March 1982 threatening dismissal if the workers were to exercise their legal right to refuse unsafe work again.

The union had to take the matter to the labour relations board before the company reinstated the wages. The Ministry of Labour took no action to restore the wages and only transmitted a message to the company that it could not take away a worker's statutory right to refuse unsafe work. No punitive action was taken against the company for the letters threatening dismissal or for the lost wages from the 38 work refusals.

In this case workers were forced to use work refusals because of the complete breakdown of the joint health and safety committee, yet even the work refusals did not guarantee the hazards in



the plant, including concerns about welding fumes, carbon monoxide, noise, asbestos, zinc, lead, aluminum and isocyanates, were reduced. The ministry issued 82 orders in 1982, 10 per cent of which were repeat violations, yet the ministry never laid a charge. The day after the local made its submission to the task force the fabrication plant was shut down and the workers were indefinitely laid off.

That is one example of how the internal responsibility system is not working and even workers exercising their right to refuse—

**Mr Fleet:** On a point of order, Mr Speaker: I would like to call to your attention the provision of rule 23(d) about members reading unnecessarily from verbatim reports. I timed this last episode, which was just exactly three minutes, and the member is about to start going into it again, as I can see. I would ask, Mr Speaker, if you would point out this rule and its importance to the member. I do not think any member wants to be restraining another member from quoting in short instances, but this one, in my view, was excessively long. I think that in light of the other people who want to join in this debate, it would be helpful if we could stick to the point.

**The Acting Speaker (Mr Breaugh):** That is an extremely valid point of view. I appreciate the assistance that you have tried to give the chair, since I am new on the job. But I would like to point out to you that if we stop people from reading after three and a half minutes in this chamber, there are going to be a lot of members who will be embarrassed by the fact that they have nothing to say after three minutes. So I think we will let the member for Sudbury East proceed.

**Miss Martel:** I appreciate the comments from the member for High Park-Swansea. However, I will ignore them.

**The Acting Speaker:** The member for WilLOWdale has a point of order and it had better be a good one.

**Mr Matrundola:** In case the member runs out of stuff to read, we can give her the business section of the *Globe and Mail* of today.

**The Acting Speaker:** You have just been invited to read the *Globe and Mail*. We thank you. I think you could proceed with your speech now.

**Miss Martel:** I think what I have to say in terms of this report is far more important and I wish some members would take it a little more seriously.

In any event, let me deal with a second case, because the point I am trying to make to members

in this House, which is obviously being missed, is that there are provisions in the act now for workers to refuse unsafe work individually. Even those provisions are not being reinforced by the minister and the employer is ignoring them totally, and if the minister does not under this bill reinstitute the unilateral right of either worker reps or employer reps to shut down an unsafe workplace, the situation and the condition in this province ain't going to get any better.

1720

Let me deal with the second case, and wait, because I am coming to some of the problems under the Liberal government and the members should be interested in those as well. In this case the division we are talking about was of Maple Leaf Co Ltd. This is a company that was producing high-protein feed meal.

In January 1982, a worker believed he was instructed to climb into a feather pit and remove frozen feathers from a large beater. While he was working, the foreman, not realizing he was there, turned on the beater and the employee became entangled. He required more than 200 stitches with deep gashes near his eye and jugular vein and missed six weeks of work. The employer gave him a week's suspension.

The Ministry of Labour inspector would not come to the accident because he did not consider it a critical injury. Eight days after the accident, another worker exercised his right to refuse to enter the feather pit because there was still no warning device attached to the starting system. When the inspector was called in, he initially thought it was the company suggesting to the worker it was an illegal work stoppage. Only after considerable protests by the union did the inspector retract his interpretation and issue a stop-work order.

When the ministry finally did a full inspection of the plant on 26 January 1982 with the health and safety reps, the resulting report was 17 pages of recommendations and 72 orders, including failure to put guardrails over cookers, vats, pits, failure to have functioning eyewash fountains next to chemicals, no startup warning devices on conveyor belts, etc.

Two months later, the company wrote to the ministry and said 31 of the 72 orders had been complied with. The union protested that the company had misinformed the ministry on more than 20 of those. The union received no response until the New Democratic Party raised the matter here in the House, and when the ministry finally inspected again, the inspector refused the union's

request to inspect 53 of these outstanding violations.

I point out to members the problems that we have had and the problems that we are going to continue to have in this province if workers are not allowed to exercise their right and be assured that inspectors are going to comply with that and if certified reps are not allowed to shut down unsafe workplaces, because we have seen time and again in the quotes that I am using that in fact for the majority of workplaces in this province, the internal responsibility system is just not working. It is not working well at all and there is no reason to continue with this act if we are going to make changes to put in provisions that are going to ensure that type of inaction continues.

I have two other cases, one concerning Westinghouse, and this was under a Liberal government I should add. In this case there were PCBs all over the Westinghouse transformer plant on Beach Road in Hamilton. In October 1984, three months after the workers complained, the ministry investigated and conducted tests. The workers were not informed of the test results until February 1985. At that time, the Ministry of Labour ordered the company to clean up the PCB problem forthwith.

In mid-March 1985, the hazard was not corrected. None the less, a visiting ministry inspector gave the plant a clean bill of health and praised the internal responsibility system. Not only did he ignore the outstanding PCB order, but he also failed to note that the PCB hazard was not corrected. On 26 April 1985, workers refused to work because of the continuing contamination and the lax attitude of the ministry. Testing disclosed 540 gallons of PCB-contaminated oil in a trench under the factory floor. It was drained and filled with concrete in August 1985, but more tests revealed further contamination. Further efforts to seal the floor followed until December 1985.

On 7 March 1986, nearly two years after the initial complaint, a ministry inspector finally recommended that the company be prosecuted for violating the act and for not complying with the previous orders issued. This issue was raised in the House on 27 May 1986. At that time, the company still had not been prosecuted.

The point I have been trying to make, and I appreciate that members do not want to hear it, but in any event the point I really want to make is that we have a serious problem out there in the workplace. If the minister undermines some of the provisions that are in the act as presented in this House, he is not going to make it any better. I

am trying to convince the minister that that right to shut down unsafe work will not be abused and it is a very necessary right that worker and management reps must have.

I just go back to the summary of the task force because I think it is really important that people understand where some of our concerns come from. The task force that did the second report—this one of course reported to the House in July 1986—said the following:

"...the only way to protect the health and safety of workers in Ontario is to give them the authority to make decisions which directly affect these vital concerns. The task force recommends that health and safety committees be given the power to make binding decisions with respect to all health and safety matters in the workplace, that health and safety worker representatives be given the power to shut down unsafe operations, and that labour organizations be provided with funds at least equal to those provided to the employer associations. These measures will guarantee that the authority for ensuring workplace health and safety will be placed where it surely belongs—in the hands of the workers that the act is designed to protect."

Mr Speaker, you may not want to listen to all of that, given that it came from an NDP task force and has a certain bias concerning the act, but let me then provide to you some of the statistics put out by the Ministry of Labour in 1986. The Ministry of Labour at that time did a study looking at, first, the compliance to the act by companies and, second, the functional ability of the joint health and safety committee to respond to problems in the workplace and to make necessary changes. I just want to give to the members of this House some of the results of that study done by this government in 1986:

"The ministry found more than 200 workplaces with more than 20 workers did not have a joint health and safety committee in direct contravention of the act. Thirty-four per cent of small workplaces had no committees in place, although they were supposed to under the act. Thirty-five of the worker representatives were selected by management where there was no union in the plant. Fifty per cent of the information that was provided to the joint health and safety committee by the employer about reports on toxic substances, etc., were inadequate or lost. Sixty-one per cent of those companies had only a single chair. Seventy-three per cent of the management dominated the joint health and safety committee meetings. Seventeen per cent of those failed to meet every three months



although they were supposed to under the act. Ten per cent had no inspections," and it goes on and on.

The point I am making again is that it was not only us out there on the hustings who found out there was a problem with this bill but also the ministry, and the problem has a lot to do with the inefficiencies of the internal responsibility system. Those inefficiencies are not going to be resolved if the government proceeds with some of the changes that this minister had announced in this House last week.

I go back—because people have said and I have heard them say: "You are talking about history. Let's deal with what is happening now"—and I just want to enforce or reinforce the point one more time for the members who have just said that. This concerns accidents that happened this year:

"On 21 April 1989, Dennis Ladasseur died instantly crushed by a compression strapper he was operating for MacMillan Bloedel in Sturgeon Falls. The strapper had jammed as it routinely did. Ladasseur had gone under the machine to clear the obstruction. Apparently the clearing procedure was also routine. Unfortunately, a lockout system had not been part of the procedure and not put in place by management. Dennis Ladasseur is survived by his wife who is expecting their first child."

A second one: "One week after this, Larry Newfield, 30, was helping to retrieve bales of pulp that had fallen from a forklift parked four feet above at the loading dock's edge. Somehow the one-ton forklift teetered over that edge. The truck's lifting mechanism struck Newfield in the head and killed him. Employed by Canadian Pacific Forest Products, the Dryden division, Newfield was the fourth person killed in two years at the mill. Two others suffered critical injuries during the same period."

I say to members once again that there are some serious problems. I appreciate that this Liberal government thinks it is working to resolve them. But I tell them they had better look again because the internal responsibility system is not working half as effectively as they would like to believe. If they are putting in place the premise that because they think most of the workplaces are working well, they will jointly come to the decision to exercise the right to refuse unsafe work and that is going to work, then they are sadly mistaken.

Most workplaces do not have an effective system in place and if there is not a unilateral right, then the same kinds of injuries and the

same kinds of deaths are going to continue to occur in workplaces across this province again and again. It is an important right and it is a right that effectively has been gutted with the proposals that the minister put forward last week.

**Mr Callahan:** Not so. In fact, the delay is going to cause more of these tragedies.

**Miss Martel:** No, the problem is going to be that if this ministry brings in four- to five-year certification requirements, we are going to have a delay of four to five years before that right is even exercised. Second, if the right to exercise and authorize shutting down an unsafe workplace is tied to joint agreement between management and labour, there are not going to be very many places shut down and there are going to be a lot more people that are killed because their representative could not exercise that right on their behalf.

Anyone who thinks that is not going to happen clearly has no understanding of what is happening in the workplace, and I suggest the members might want to read some of these reports because they might have their eyes opened as to what actually is happening in this province at this point in time. I will tell the members that in fact they are dreaming and living in technicolour if they think that by gutting that particular section that they have, things are going to get any better. They just will not.

I say to the minister again, why he changed from a proposal that was agreed upon by management and labour before this bill was introduced is beyond me. Perhaps he can tell me the justification for doing that and the justification for putting forward the proposal that he is, which significantly alters the right we had expected and the right trade unions sold to their memberships in order to accept this bill.

#### 1730

There are some questions in terms of the workers' compensation aspects of this, but I do not think they are the overwhelming problem with this bill. I would much prefer that when we get into the course of public hearings, which I hope to be involved in, I will deal with them at that time.

I do want to say in closing a final thing that I think is important to be said. I was listening to the Liberal members who were speaking in this House yesterday, and one in particular who said that this is the most progressive piece of health and safety legislation we have seen in a very long time. For all of those Liberal members who are so busy patting themselves on the back and congratulating themselves on putting this bill into place,



I ask them to recognize this: It was not this Liberal government, either this Minister of Labour or the member for York Centre (Mr Sorbara) or even the member for Windsor-Sandwich (Mr Wrye) who introduced Bill 106 in this House before the last election who really gave the impetus to changes in health and safety, badly needed changes in this province.

During the course of this whole debate and indeed in the introduction of this bill either in January or again on second reading, I have been really sorry to note that in fact there has been no credit to my predecessor who spent the last five years of his time in this place fighting on behalf of workers and fighting to change the Occupational Health and Safety Act in this province.

He took his colleagues in this party around the province on two major tours dealing with occupational health and safety and made a number of recommendations in this chamber from 1983 until the time he left in 1987 on the changes that were needed. I remember when he introduced Bill 149, his version of what kind of changes were required. It was one of the happiest days of his time in this place when that bill passed second reading in February 1987.

I am sorry that he only got to deal with that twice in hearings before the election was finally called, but I say that there was no better champion—of course I am biased—for the rights of injured workers and the rights for people to be safe in the workplace than he was in the last five years in here.

I think Liberals in this House who were here when he was here certainly would have to acknowledge that and some small credit should be due to him for that kind of fight, because we would not have had a change in either the Tory government or this government had there not been some of those revelations in the different reports and had not his fight continued.

I was sorry we are so partisan in this House sometimes that we cannot acknowledge the contributions of others who are no longer here, granted, but certainly for the tremendous contributions that were made that bring us to this place where we are today.

I would say that I have enjoyed this particular debate. I am sure I will enjoy the public hearings even more. I look forward to hearing the response from the minister on why he feels the changes he has talked about are so important. I certainly look forward to putting back into place the type of bill we had before this minister came into this place some weeks ago and before we had

a bill introduced concerning the changes that there are.

I thank the members again for their attention and I certainly look forward to public hearings.

**Ms Bryden:** I want to say that we have just heard one of the best analyses of Bill 208, by the member for Sudbury East. She has clearly pointed out the hopes for general improvement in the protection of workers in this province through the proposed new joint labour-management system in the original act. She has pointed out how the government's proposed amendments will gut the act, indicating we will continue to have thousands of unnecessary deaths in this province because of this gutting of the act. I congratulate the speaker on her excellent analysis of the situation and her concern that workers will not be protected under the new act.

**Mr Callahan:** I would like to comment. How can a member possibly comment on the speech of the member for Sudbury East, which I thought was pretty good, when she is not even here? Can somebody answer that for me? How can she come in and enter into the debate when she is not even here?

**Mr Farnan:** I too would like to add my voice to that of my colleague the member for Beaches-Woodbine (Ms Bryden) in lauding the speech that we have just heard. It is a theme mentioned by my colleague at the end of her remarks, in terms of recognizing with some generosity of spirit the contribution of opposition members. I think I mentioned this the other day when we talked about the contribution made by Mel Swart, the former member for Welland-Thorold, to consumer protection reform in automobile insurance and also the bereavement sector.

I just want to say one thing. I have been an admirer of Elie Martel for many years. He is a man who has been totally committed to the improvement of conditions for working people in this province. When he resigned from the New Democratic Party, I thought to myself, "What an extraordinary loss." However, I want to say this and I mean it sincerely and with all my heart: The New Democratic caucus could not have found a more worthy successor, a champion who can be compared to the previous member who had this role. I think it is very fitting that I should say that the predecessor of our present critic was the member's father, an outstanding contributor to this House, and there is no doubt in my mind that the present member is doing exactly the same kind of job.

**The Acting Speaker:** I thank the Clerk for mentioning to me that the time had run out. Are

we into any further comments or questions? There is still time available, but I see none standing, so we now have the wonderful opportunity of recognizing the distinguished member for Brampton South.

[Applause]

**Mr Callahan:** I want the people of Brampton South to know that there was an applause sign held up when that happened.

I want to rise and get involved in this debate because, to begin with, I want to give the member for Sudbury East her due and her father his due. They worked hard on the question of workplace safety. Maybe it is the nostalgia of the day, seeing my predecessor come here and have his picture hung in the hall that makes me less partisan. I think that in the final analysis there are two things in this House that I found. Nobody has a priority on workers. Nobody has a priority on sensitivity to people.

One of the things I discovered when I was elected in 1985 was that we had problems with workers' compensation and it was not something where you snuck around the halls and said: "This is government policy. This is opposition policy. This is third party policy." It was a question where all members, and I think legitimately so, were concerned about the workers of this province. If I thought for one minute that one party in this House was the only one that cared about workers, I would resign because I came to this Legislature to serve those people who were being injured.

You look at the numbers. I have a briefing note that says "\$1.45 billion in benefits were paid out." That is not important. What does that \$1.45 billion represent in terms of agony to people, families and children? Again, the note says "\$700 million lost to the economy." I say that is important but not as important as the question of those that represent the loss of families, their children and so on.

1740

I praise the former Conservative government for recognizing that 10 years ago and bringing in occupational health and safety legislation. I praise the member for Sudbury East and her predecessor, who was a dear friend, her father, who fought to improve it. I recognize, as well, what goes on in this House. The opposition's job is to tell the government that it has not done enough, but politics is really the art of the practical. What can be achieved? How can it be achieved?

Ten years have gone by, and in 10 years the machinery that we are using is very different

from what it was before. The chemicals we are using are very different from those used before, so what does the government do? The government, in carrying on this sensitive approach to looking after workers of this province, looks at it and says, "You can't achieve that through giving one side the heavy hand, or the other side the heavy hand."

It has to be a partnership. If it is not a partnership, we can pass all the legislation we like in the world in this province and what we will find is we will never solve or accomplish the solution to the problem that we as legislators are duty bound by the people who voted for us to try to accomplish. It would be great stuff for the government over here to throw out things that are lopsided, and we could go to the polls and say, "We did this for you, Ontario, and if the stuff does not work then we are phonies. We are all phonies."

Now, surely to heaven I am not suggesting any member of the House is that. I think the member for Sudbury East and her father or predecessor had a passion about the question of injured workers, but they do not have exclusivity on it, or at least they do not in my mind and I do not think in my colleague's either. I think my colleagues and the government of the day, as the government of the former day, cares as much as those people do. If we do not, then we deserve to be trashed because that is what it is all about.

Look at some of the things this legislation does bring in: the question of partnership, the question of training and the question of understanding the new technology of the day, so that some member does not have to stand up here when I am gone, and who knows, that could be very shortly, to read dollar signs. Members know that \$1.45 billion is paid in benefits to workers who suffered workplace injury or illness. I would like to see that gone. I would like to see that zilch, and I think the member would as well.

I think all members of the House would, and again I say I understand the opposition's job is to try and improve legislation, but they do not improve it by making it lopsided. They do not improve it by giving a leg up to one group as opposed to the other. We try to create a compromise that is going to work, otherwise, right behind that gentlemen, the member for Durham East (Mr Cureatz), the Speaker, is a whole host of statutes.

Members can go through those statutes and look at things like the Warble Fly Control Act, and maybe that is very important to some people in Ontario, but if it does not prevent the warble



fly from doing whatever he does, then it should not be back there. All it is doing is holding up the Speaker's chair.

In the final analysis, and I would hope that the parliamentary system perhaps should be reformed because I find that when opposition is simply thrown at you because you are over there, and we want to get over there, and the name of the game is to be critical so you can get over there, well, if that is all it is about, then I think we serve the people of Ontario badly.

I am not suggesting for one minute that the member for Sudbury East is doing that, nor do I suggest that her father did, but from time to time in this House, it angers me to have to sit here and grow old and grey, and get frumpy listening to attacks by the opposition on the basis that the government has done nothing right.

I have got to tell members that I am proud to serve on this side of the House and I would be equally as proud to serve on the other side of the House with my government there if it was in opposition, because I think what is happening is the government is bringing—

I am glad the member for Stormont, Dundas and Glengarry (Mr Villeneuve) is not here, because every time I stand up and speak like this he says, "You want to get into cabinet, you want to get into cabinet." I want to tell Noble that I am sitting in the same seat I was sitting in when I was elected in 1985. I have come full circle, I am chairing the same committee, so he should not throw that one at me. But he is not there.

Another statistic that is given to me, which I would like to see wiped away—and I think all members would—is that there were 360 men and women who died last year in accidents. This bill may not be perfect. Let's face it, no bill is going to be perfect. We are all imperfect human beings, but we do the best we can. Every day that we delay the implementation of this bill, the horror stories that have been read by the member for Sudbury East, which for any sensitive member in this chamber would bring tears to their eyes, are continued. The name of the game is to try to stop that and to try to keep some member after me or some member in this House from having to read out that 360 men and women died; and we do not hear about the children who were left orphaned. That is really what it is about.

There are problems. It is going back to committee to try to solve those problems.

The member for Sudbury East says that the employee representatives on this committee should be able to stop work on the job. I have no doubt in my mind that the large majority of

workers out in Ontario would exercise that right correctly and fairly. But think about it. Do not get tunnel vision that they are right and the employers are wrong. The employers suspect that it might be used in the negotiation process to try to get some extra advantage.

As I said when I started, politics is the art of the possible. It is to try to put legislation in place that is going to work. It does not do any good on the dusty shelf in the Revised Statutes of Ontario of 1980 or 1990, it has got to work.

The New Democratic Party, who state that they are the only defenders of the worker—

**Mr Farnan:** As long as there's cash in the Liberal coffers, you don't give a damn.

**Mr Callahan:** Mr Speaker, there seem to be Irish tones floating over here from the member for Cambridge (Mr Farnan). I listen to him when he speaks endlessly. I will try to be brief.

**Mr Farnan:** As long as there's cash, the workers can be forgotten about.

**Mr Callahan:** I was not going to get partisan on this at all, but the member for Cambridge requires me to do so.

I think the member for Sudbury East does a fine job, as her father did, in representing or looking after the workers, but for some reason the official opposition seems to think that they have a God-given right to look after the workers of this province. That is not the case. When we have the Leader of the Opposition (Mr B. Rae) going out on to the floor of this Legislature and stirring up the workers of this province, so much so that we have to reinforce the floor because they figure they are going to fall through on it, and telling these people not what Bill 162 was all about but what he wanted to tell them. That to me is shameless, absolutely shameless. That does nothing to enhance, to create a good worker and employer environment.

I am not going to say a great deal more except that I think if Ontario is to maintain its competitiveness, if Ontario is to maintain safety for those people who work in those jobs, if Ontario is to have an employment system that works properly, then I suggest that maybe you guys and gals and so on should go into the back room and think about what you do by delaying this bill every day, because the longer you delay it—the deaths, the injuries—the meaningful things to workers of this province are being delayed. You are delaying and denying them natural justice. I suggest maybe you think about that and that this not just become a chamber where rhetoric is the important thing, where you try to swap seats.



I will tell you what: I will make you a deal. I know this is naïve, but if we could ever get consensus in this House whereby the opposition did not just try to flail us on every bill we bring forward, I would be prepared to go over and sit in your seat. That does not mean I would join your party, but I would take your seats and you could sit over here.

Interjections.

1750

**The Acting Speaker:** Order. Colleagues, there is less than 10 minutes left for the day. We will just ask you to restrain yourselves so the honourable member can continue. I will ask the honourable member to be so kind as to direct his comments through the humble chair.

**Mr Callahan:** Let me finally close by saying that the important watchwords of the day with reference to this bill are workplace partnership—I have already spoken on that—education and training, which is key for all of us, including members of the Legislature, rights and responsibilities, bigger penalties and responsibilities on directors of corporations. You could not pierce the corporate veil before and now you can performance incentives and continued government role.

I am a believer that government has no place in the free enterprise system, other than where it is required to try and deal with the 360 deaths or the injuries and so on. If government has a role, it is to try and make certain that we have a fair, safe employment situation.

I think government has a role here in Bill 208. I think that was recognized by the member for Stormont, Dundas and Glengarry (Mr Villeneuve). His government recognized it 10 years ago. We are recognizing that times have changed. Let's get on with it and let's make a place safe for workers in this province.

**The Acting Speaker:** I would like to address the honourable member who has been indicated to me by the House leader for the opposition. You had taken your place, but if you would like to continue on during comments and questions, I think the honourable member for Algoma wants to participate.

**Mr Wildman:** I just want to make a comment. I was watching with interest the comments of my friend the member for Brampton South (Mr Callahan) on the television. I understand that there was a lot of discussion back and forth in the House during his remarks. Perhaps he was being somewhat facetious, but I do want to correct, and I would hope that he would correct, a very wrong

impression he gave about the participation of my leader with regard to the injured workers and the demonstration that took place outside of this door on Bill 162.

As I heard the member, he said that it was a bit much, I think, for the Leader of the Opposition to "stir up workers"—that was the term he used—outside the front of this door to the point that the Legislative Assembly would have to strengthen the floor because it was unsafe. Any one of us who was in this assembly at that time knows that was so far from the truth. In fact, the Leader of the Opposition went out there because he was trying to calm the workers who were so stirred up by what this government was proposing to do that it was he who saved a very difficult situation in that circumstance.

**Mr Villeneuve:** In the short two minutes for reply to the member for Brampton South, I was kind of pleased to see that he was participating in this debate. Quite obviously, the previous government was very, very concerned about the health and safety aspect for all workers across Ontario, and we still are.

The problem is that Bill 208 in its present form will create confrontation no end. Of course, this government knows how to create confrontation on many, many issues and 208 will simply make that even worse. Those are some of the comments I want to put on the record in reply to my friend and colleague from Brampton South.

Just so the record will show, I was on the select committee on education. We are finishing up our report and I am pleased that he referred to me, quite obviously—

**Mr Callahan:** I know that.

**Mr Villeneuve:** Yes, I know that, and we know he is aiming for cabinet. There is no doubt about that. When he alludes to it, he just reinforces that conviction he has, and if he behaves and minds his Ps and Qs, some time he may make it.

**Mr D. S. Cooke:** Be realistic.

**Mr Villeneuve:** This chamber has not always been known for its realism. However, I am just pleased to participate for this short period of time and tell the member for Brampton South it is not ghost of the member for Stormont, Dundas and Glengarry he is seeing. He is here in real life.

**Mr Farnan:** I am going to be very brief. I just want to point out that the previous speaker, the member for Brampton South, talked about politics being the art of the possible. I want to say to the speaker, what is the art of the possible for the Liberals? I suggest that the art of the possible

for the Liberals is what their business friends will allow them to do.

That is precisely how this legislation is drawn up. The workers will be cast aside. The workers will be sacrificed because the Liberal coffers have to be fattened by the contributions of the employers who will say to their friends, "Look, we don't want this legislation," and it is not going to go through because the Liberals want that cash from the business interests of this province.

**Mr Callahan:** Point of order, Mr Speaker: I find it absolutely reprehensible that he would attribute to any member of this Legislature—I withdrew my comment with reference to his leader.

**The Acting Speaker:** Order, please. I allowed the opportunity of listening to your point of order and I do not think it is a point of order, so we now recognize the honourable member for Sudbury East.

**Miss Martel:** In the time I have, let me respond to this whole issue of delay because the member could not be further from the truth and what he said in here he should correct.

I go back, and before the recess of this House, even in July and in fact beginning last spring, my House leader went to the government House leader at House leaders' meetings and said that we would be willing to deal with second reading of Bill 208 in this House. He went week after week and asked for this House to deal with that bill at this time.

We even suggested that we could do second reading on Bill 208, and because that Bill 162 was in the resources development committee we would agree to have another committee study that bill so that it could be passed and we could put into place the changes that labour and management had agreed to with the previous bill.

The delay we see now is coming from his government and his party because it is that group over there that wants the public hearings. If he goes back and checks the record, he will see that the day this bill was introduced in this House in January 1989, our party gave support to that bill. We said clearly at that time that we would be supporting this bill because it had been drawn up with consultation and negotiation between labour and management and we accepted that.

We would have dealt with it then. We would have had it passed and in place now. But what has happened is that the lobby by the employers has started over there and those people have now decided, without the committee even seeing it, without the committee even meeting to discuss it, that we will have full public hearings that will go

on and on and on. If there was ever a group that is delaying, it is those people.

The reason is because they are now getting so much pressure by the employers that they want to get that into committee. They want to have as many employers as possible in there so they can tout the government line and they can change this bill from the bill that was presented and agreed to by this party. Shame on their heads because it is those people who are going to ensure more workers are hurt and killed in this province in the next few months.

**The Acting Speaker:** I would like to indicate to my honourable colleagues—I see the honourable House leader. I was thinking the honourable member for Brampton South might have approximately two minutes left and he could adjourn the debate and we could turn to the House leader for indications of next week's House proceedings.

**Mr Callahan:** I can accept the sincerity of the emotion of the member for Sudbury East. As I said, she and her father have fought this long, but I want to say that if we do not get on with this—I have a resident in my riding; I am not going to give his name, nor am I going to give the disorder he is involved with, but to me it is very important—

Interjection.

**Mr Callahan:** I can understand why people turn off their sets when we are on. I mean when you get people making comments and acting like children—

**Hon Mr Ward:** I like watching him so much I got a 28-inch screen.

**Mr Callahan:** In any event, I have a member in my riding who will not have his problem solved under the Workers' Compensation Act. Yet some of the advances that are being made, some of the investigations that are being made, some of the education that is being done, may solve his problem or may prevent it from happening to somebody else.

I find it significant that if we can educate our workers and create a better workplace for them, then we create a better environment for Ontario. I would think that the official opposition should care more about the question of the workers of this province than advancing their own cause.

On motion by Mr Callahan, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon Mr Ward:** Pursuant to standing order 53, the business of the House for the upcoming week is as follows:

On Monday 23 October, second reading of Bills 47 and 46 and resumption of the second reading debate and conclusion, I hope, on Bill 208.

On Tuesday, a motion for interim supply, and resuming second reading debate on Bills 47 and 46.

Wednesday will be a continuation of unfinished business of Monday and Tuesday and committee of the whole on Bills 2 and 3.

Thursday will be a continuation of any previously unfinished business and second reading of Bill 36.

The House adjourned at 1804.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
**Beer, Hon Charles**, Minister of Community and Social Services (York North L)  
**Black, Hon Kenneth H.**, Minister of Tourism and Recreation (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
**Collins, Hon Shirley**, Minister without Portfolio (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousins, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)  
 Curling, Alvin (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
 Eakins, John F. (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
 Fulton, Ed (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
 Grandmaître, Bernard C. (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
**Hart, Hon Christine E.**, Minister of Culture and Communications (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
 Hošek, Chaviva (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
 Kerrio, Vincent G. (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister of Revenue (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)

- McLeod, Hon Lyn**, Minister of Energy and Minister of Natural Resources (Fort William L)
- McLash, Frank (Kenora L)
- Miller, Gordon I. (Norfolk L)
- Morin, Hon Gilles E.**, Minister without Portfolio (Carleton East L)
- Morin-Strom, Karl E. (Sault Ste Marie NDP)
- Neumann, David E. (Brantford L)
- Nicholas, Cindy (Scarborough Centre L)
- Nixon, J. Bradford (York Mills L)
- Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)
- Oddie Munro, Lily (Hamilton Centre L)
- Offer, Hon Steven**, Solicitor General (Mississauga North L)
- O'Neil, Hon Hugh P.**, Minister of Mines (Quinte L)
- O'Neill, Yvonne (Ottawa-Rideau L)
- Owen, Bruce (Simcoe Centre L)
- Patten, Hon Richard**, Minister of Correctional Services (Ottawa Centre L)
- Pelissero, Harry E. (Lincoln L)
- Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)
- Philip, Ed (Etobicoke-Rexdale NDP)
- Phillips, Hon Gerry**, Minister of Labour (Scarborough-Agincourt L)
- Poirier, Jean, Deputy Speaker and Chair of the Committees of the Whole House (Prescott and Russell L)
- Pollock, Jim (Hastings-Peterborough PC)
- Polsinelli, Claudio (Yorkview L)
- Poole, Dianne (Eglinton L)
- Pope, Alan W. (Cochrane South PC)
- Pouliot, Gilles (Lake Nipigon NDP)
- Rae, Bob (York South NDP)
- Ramsay, Hon David**, Minister of Agriculture and Food (Timiskaming L)
- Ray, Michael C. (Windsor-Walkerville L)
- Reville, David (Riverdale NDP)
- Reycraft, Douglas R. (Middlesex L)
- Riddell, Jack (Huron L)
- Roberts, Marietta L. D. (Elgin L)
- Runciman, Robert W. (Leeds-Grenville PC)
- Ruprecht, Tony (Parkdale L)
- Scott, Hon Ian G.**, Attorney General (St George-St David L)
- Smith, David W. (Lambton L)
- Smith, E. Joan (London South L)
- Sola, John (Mississauga East L)
- Sorbara, Hon Gregory S.**, Minister of Consumer and Commercial Relations (York Centre L)
- South, Larry (Frontenac-Addington L)
- Sterling, Norman W. (Carleton PC)
- Stoner, Norah (Durham West L)
- Sullivan, Barbara (Halton Centre L)
- Sweeney, Hon John**, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)
- Tatham, Charlie (Oxford L)
- Velshi, Murad (Don Mills L)
- Villeneuve, Noble (Stormont, Dundas and Glengarry PC)
- Ward, Hon Christopher C.**, Minister of Government Services (Wentworth North L)
- Wildman, Bud (Algoma NDP)
- Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)
- Wiseman, Douglas J. (Lanark-Renfrew PC)
- Wong, Hon Robert C.**, Minister of Citizenship (Fort York L)
- Wrye, Hon William**, Minister of Transportation (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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